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*ADMITTED IN VA ONLY

April 19, 2005

BY MESSENGER

Ms. Jerrily R. Kress, FAIA
Director
Office of Zoning
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: Submission of Pre-Hearing Statement of the Chain Bridge Road/University
Terrace Preservation Committee; BZA Application No. 17309 of Dorchester
Associates LLC

Dear Ms. Kress:

The Chain Bridge Road/University Terrace Preservation has requested party status in the proceedings before the Board of Zoning Adjustment regarding BZA Application No. 17309. Enclosed please find the original and twenty (20) copies of the above-referenced Pre-Hearing Statement for filing with the Board.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,


Stephanie A. Baldwin

259026v1
Enclosures

cc: All Copies By First Class Mail
Robert Sussman, Esquire
John Patrick Brown, Jr., Esquire

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of
Dorchester Associates LLC

BZA Application No. 17309
Public Hearing: April 26, 2005
ANC 3D

PRE-HEARING STATEMENT OF OPPONENT
CHAIN BRIDGE ROAD/UNIVERSITY TERRACE PRESERVATION COMMITTEE

The Chain Bridge Road/University Terrace Preservation Committee (the "Preservation Committee") has requested party status in these proceedings before the Board of Zoning Adjustment (the "Board").

The Preservation Committee, by and through undersigned counsel, respectfully submits this Pre-Hearing Statement in opposition to the Application of Dorchester Associates LLC (the "Applicant") involving: (i) a special exception pursuant to Sections 3104.1 and 2516 of the Zoning Regulations to allow the construction of a theoretical lot subdivision to include thirteen (13) detached single-family homes and (ii) a waiver of the requirement of a twenty-five foot roadway under Section 2516(b) as permitted by Section 2516.6(d).

I. The Role of the Preservation Committee.

The Preservation Committee is a neighborhood 501(c)(3) charitable organization dedicated to the protection and preservation of the unique and special arboreal, topographical and landscaping features in addition to the historic, residential and parklike character of the Chain Bridge Road/University Terrace neighborhood. The Preservation Committee was instrumental in the 1999 creation of the Chain Bridge Road/University Terrace Overlay District and remains

dedicated to the enforcement of the overlay on behalf of the more than seventy (70) households it represents.

II. The Property.

The property which is the subject of the Application is located along Chain Bridge Road, N.W. within the Chain Bridge Road/University Terrace Overlay District (Square 1425, Lot 827, and Parcels 12/63, 12/293 and 12/294) (the "Property"). The Property is zoned CBUT/R-1-A. The property is somewhat under four (4) acres and adjoins a half-acre lot, also owned by Applicant, occupied by a landmarked historic African-American schoolhouse. The Property was in the hands of a single owner for over fifty years before being purchased by Applicant and is the largest undeveloped site in the Palisades neighborhood. The area surrounding the property is heavily wooded and hilly, with many large lots that contribute to its low density; these unique qualities warranted its designation as an Overlay district. Chain Bridge Road itself is a narrow and windy country lane and has existed in its current form since Colonial times. The eastern side of the road is occupied by historic Battery Kemble Park, owned by the National Park Service. Battery Kemble Park is a popular gathering spot for dog walkers, joggers and hikers from all over the D.C. metropolitan area.

III. The Applicant Has Failed to Meet the Burden of Proof.

The Applicant is required to carry the burden of proof to show that the Application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Specifically with the subject Application, the Applicant must meet the above stated standard and demonstrate compliance with the requirements of Section

2516 for a theoretical lot development, as well as with the requirements and intentions of Section 1565 *et. seq.*, which govern the development of property within the Chain Bridge Road/University Terrace Overlay District (the "CB/UT Overlay District"). The impact of the development on the character of the neighborhood and nearby parkland is an important factor in evaluating the Application. Applicant bears the burden of showing that the development is unlikely to adversely affect these aspects of the community.

The Applicant, Dorchester Associates LLC, has failed to meet these specific obligations and its voluminous submissions are most notable for the critical information which they do not provide. Advisory Neighborhood Commission 3D in voting 7-0 to oppose this Application noted a laundry list of critical information which had been requested, but never supplied by the Applicant. (See "ANC 3D Letter", attached hereto as Exhibit "A"). Additionally, the Preservation Committee has met several times with the Applicant, but has never received the specific information it requested, which is essential to the evaluation of the true impact and objectionable nature of this Application. (See "Preservation Committee Letters", attached hereto as Exhibit "B").

In fact, the Applicant has submitted a plan for thirteen very large houses on small lots which maximizes and greatly exceeds the reasonable development potential of the Property and is contrary to the character of the neighborhood and the preservation of its unique and special properties. The houses will in many cases be over 12,000 square feet and be built into unstable sloping areas and fill on the perimeter of the Property directly overlooking numerous abutting houses and the Park and will greatly increase the impervious surface on the Property. This plan maximizes development in a manner that will violate the CB/UT Overlay by endangering the survival of numerous protected trees, fails to provide effective safeguards against storm water

management and soil erosion and the resulting damage to abutting properties, fails to provide a grading or site development plan, will create serious traffic safety problems and will impair use and enjoyment of Battery Kemble Park.

A. Violation of CB/UT Overlay.

In particular, Applicant's development as proposed will violate the strict tree removal limitations of the CB/UT Overlay District. Section 1568 of the Zoning Regulations limits the number of trees which may be removed, cut down or fatally damaged. Many of the trees on the site are mature and delicate and will not tolerate significant change around them. Despite the Applicant's unsubstantiated assurances that many of the trees on the Property will be saved in accordance with the regulations, in reality the scope of the project and plans make it clear that almost all of the trees the Applicant intends to save, have no chance of survival. Many of the trees are so close to the proposed structures that fatal damage during construction is unavoidable. Of particular concern is the impact on the old and stately allee of precious beech trees which lines the current driveway serving the Property. This driveway – which Preservation Committee representatives have measured at twelve feet (12 ft.) – would need to be widened to sixteen feet (16 ft.) under the Applicant's plans, resulting in certain destruction of these irreplaceable trees.

B. Other Harmful Impacts of Applicant's Proposal.

1. Furthermore, Applicant's submissions to the Board have also failed to establish its compliance with the general purposes of the CB/UT Overlay District, the Theoretical Lot Regulations and the objectionable conditions standard for this special exception. The purposes of the CB/UT Overlay District include (i) the preservation of the natural topography and mature trees to the maximum extent feasible, (ii) the prevention of significant

adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas, (iii) limitation of the amount of impervious ground cover and (iv) the limitation of minimum lot size so as to prevent significant adverse impact on existing infrastructure (§1565.2).

2. Applicant's proposed theoretical lot subdivision will overload the property's delicate topography and ecology, destroy the existing forestation, overburden the existing infrastructure, overbuild the protected landscape and have a substantial negative impact on the adjoining private and National Park Service properties.

(a) Storm-Water Management: The Property is approximately a 3.5 acre parcel that has never been improved by more than a modest dwelling and a twelve foot - wide access road. Applicant proposes to install impervious surfaces on an area approximating fifty percent (50%) of the Property's total area. That is approximately 1.5 acres of hardscape. Applicant has never explained how this area will be drained or where the run-off will go.

This is a parcel that already presents significant drainage issues. Currently, the Property is partially drained by a four inch (4 in.) pipe, to which an old tire tube is attached, leading water onto Chain Bridge Road. Despite the Committee's repeated requests, Applicant has never created or shared an adequate or even credible storm-water management plan

(b) Alterations to Topography: Applicant has represented that there will be no changes to the topography of the Property, and that a grading plan is unnecessary. Yet he proposes to construct thirteen (13) very large residential structures with full basements and separate driveways, many of them on or adjacent to steeply sloping hillsides, extracting

thousands of cubic yards of earth in the process. Applicant's representation that the topography of the Property will not be altered by these extensive alterations is simply not credible.

(c) Traffic Safety Issues: Applicant proposes that the majority of the residences to be constructed will be served by a single driveway that is currently twelve feet (12 ft.) wide and lined over its entire length with mature beech trees. Aside from the threat to these trees, which will be addressed elsewhere, Applicant's plan presents serious safety issues which have not been addressed and may not be remediable. First, the present driveway is far too narrow for any safety-related purpose. At twelve feet in width, it cannot serve two passing cars, let alone fire and emergency equipment. Applicant has acknowledged this by proposing to widen the driveway to sixteen feet (seeking a waiver from the required twenty-five feet, but he cannot do so without mortally damaging the protected trees. Second, the present driveway enters onto Chain Bridge Road at a curve in the road where sight lines are extremely short and visibility is severely limited. The lack of visibility, combined with increasing instances of excessive vehicular speed on the Road caused by overflow from overused traditional routes such as Foxhall Road and Arizona Avenue, make this proposal a serious accident waiting to happen. Again, despite repeated requests by the Preservation Committee, Applicant has never satisfactorily addressed this issue.

3. Finally, Four large houses will be built right on the steep embankment on the edge of Chain Bridge Road, directly at the property boundary, and will tower over the Park on the other side of the road. The visual impact of these massive and threatening edifices will be very negative and will greatly diminish the vista enjoyed by users of Battery Kemble Park.

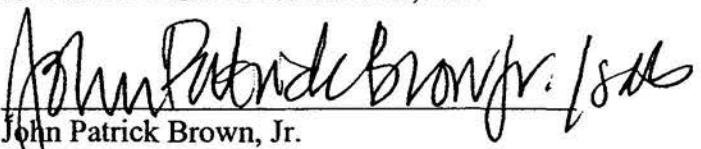
The Applicant has thus failed to meet his burden with respect to even a minimal showing that the Application will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

IV. Witnesses.

1. Robert Sussman, Esq., Chairman, Preservation Committee and Abutting Neighbor
2. Mr. Rudy Djabbarzadeh, Immediate Neighbor
3. Ms. Mary Sears, Civil Engineer, Greenhorne & O'Mara, Inc.
4. Mr. Ed Milhous, Certified Arborist, TreesPlease
5. Mr. Steven Peterson, Traffic Consultant

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: 
John Patrick Brown, Jr.

By: 
Stephanie A. Baldwin

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Pre-Hearing Statement of the Chain Bridge Road/University Terrace Preservation Committee was mailed, first-class, postage prepaid, this 19th day of April 2005 to:

Norman M. Glasgow, Jr., Esquire
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
Attorney for Applicant

Advisory Neighborhood Commission 3D
c/o Ms. Alma Gates, Chair
P.O. Box 40846 Palisades Station
Washington, D.C. 20016

Ms. Maxine Brown-Roberts
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002

Mr. Rudy Djabbarzadeh
2740 Chain Bridge Road, N.W.,
Washington, D.C. 20016

Mark Brodsky, Esquire
1746 N Street, N.W.
Washington, D.C. 20036
Attorney for Chain Bridge Road Citizens for Responsible
Growth


Stephanie A. Baldwin

Exhibit "A"

ANC 3D Letter

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D

P.O. Box 40846
Palisades Station
Washington, D.C. 20016

RECEIVED
D.C. OFFICE OF ZONING
2005 APR 14 PM 3:11

April 11, 2005

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

RE: Application # 17309
Hearing Date: April 26, 2005

Dear Mr. Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting on April 6, 2005, at Sibley Memorial Hospital's Ernst Auditorium with a quorum (5) present at all times. Notice of the meeting appeared in the Northwest Current on March 23 and 30, and April 6, 2005, and meeting notices were posted in the ANC area. The commission voted 7-0-0 to oppose the application of Dorchester Associates LLC for a special exception under section 2516, to allow thirteen detached single-family dwellings on a single subdivided lot, including of two sixteen foot wide roadways rather than twenty-five foot roadways under subsection 2516 (d) in the CBUT/R-1-A District in the 2800 block of Chain Bridge Road, NW.

Morton Bender of Dorchester Associates presented ANC 3D with architectural schemes for a thirteen house theoretical lot subdivision. As Mr. Bender had appeared before the commission on November 3, 2004, and there was little new material, his presentation was very brief. At the end of the previous meeting the commission requested a stormwater management plan, a traffic plan and a grading plan. Mr. Bender explained that a grading plan is unnecessary because all homes will be built to fit the natural contours of the property and will require no grade changes. New to this presentation was mention of plans to establish an architectural review board and homeowners association and that swimming pools and tennis courts would be prohibited.

Robert Sussman, representing The Chain Bridge Road/University Terrace Preservation Committee, also addressed the commission. His committee has serious concerns about the ability of the proposed stormwater management system to compensate for the

BZA

Case No. 17309

Exhibit No. _____

amount of impervious surface that would cover the property. The release of additional stormwater onto the steeply sloped terrain and any grade changes would likely exacerbate measures already taken to alleviate flooding by neighbors residing south of and behind the property as well as along the edge of Battery Kemble Park. He mentioned that Chain Bridge Road is a narrow winding road dating back to colonial times and the main entrance to the proposed development will pose safety challenges given the number of homes being planned. Mr. Sussman raised concern about the tree inventory and noted that the main driveway into the property is lined by an alley of Beech trees and only 12 feet wide. Widening the road to 16 feet would fatally damage a majority of those trees. Discussion ensued around the second entrance to the property which is located immediately adjacent to and above the proposed subdivision. This property, also owned by Mr. Bender, is the site of a historic building and an application has been filed with the Historic Preservation Review Board to determine the status of the road, whether or not it is also designated historic and if it can be widened and used to provide access to three homes in the subdivision.

An earlier site visit by commission members demonstrated that anyone walking in the park along the edge of Chain Bridge Road would be looking directly at and into the windows of houses that will tower over the park and road. It was noted that the plans appear to be in conflict with the intent of the overlay district which is meant to protect the park-like setting. It was recommended that Mr. Bender consider granting generous conservation easements to the National Park Service along the entire front of his property.

The Commission reviewed all house designs from the perspective of lot occupancy, impervious surface coverage and their location in relation to Chain Bridge Road. Rear edges of the property were of especial concern as the area is steeply sloped down to immediate neighboring properties and an old retaining wall constructed of railroad ties has begun to fail. It appears that this area is mostly fill and has the potential for serious erosion. One enormous tree on the sloped rear area has already fallen onto a neighboring property and another is precariously perched.

A motion was made to oppose the Application of Dorchester Associates as the developer did not meet the burden of proof. It was obvious that the project was designed to maximize development on each lot in a Tree and Slope Overlay District where minimum density is indicated. Plans provide lot coverage on a very steeply sloped piece of property at 85 percent and impervious surface coverage at 90 percent of what is allowed; the placement of houses, especially Lot 3 which is four feet off of Chain Bridge Road, is not in keeping with the purpose of the overlay district and will likely cause impacts to

Mr. Geoffrey Griffis
April 11, 2005
Page three

neighboring properties; several trees listed on the tree inventory could not be located on any of the plans; a geotechnical report has not been presented; a grading plan showing the implementation and placement of retaining walls and how the steeply sloped edges of the property will be stabilized has not been presented; a phasing plan for the project has not been presented nor has its length been determined; the traffic study, conducted immediately following a major holiday, omitted the speed at which cars travel along Chain Bridge Road past the hidden driveway entrance; and, a plan for stabilization of the construction site, parking and storage of equipment and workers' vehicles has not been presented.

Therefore, ANC 3D voted 7-0-0 to oppose the Application of Dorchester Associates and asks the Board to accord the commission's vote the "great weight" to which it is entitled under DC law.

Sincerely,

A handwritten signature in black ink, appearing to read "Alma H. Gates". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Alma H. Gates
Chair

Cc: Morton Bender
Robert Sussman

Exhibit "B"

Preservation Committee Letters

March 28, 2005

Morton A. Bender
Dorchester Associates LLC
1025 Connecticut Avenue, NW
Suite 606
Washington, D.C. 20036

Dear Mr. Bender:

We are in receipt of your letter of March 22.

We are always happy to meet with you but such a meeting would be productive only if you have new information to share with the Committee. As you know, numerous members of the community met with you on October 13, 2004 at the Lab School on MacArthur Boulevard to review your plans for developing the old Murphy property. Several concerns were expressed at that meeting about your plans. These concerns were described at length in two letters – one dated October 13 from several abutting neighbors and the other dated October 25 from the Committee itself.

We never received a response to these letters. Instead, you submitted plans this February to the Board of Zoning Adjustment (BZA) which are virtually identical to the plans you presented to the community last October. Your plans were not modified in any way to address any of the community's concerns nor were they accompanied by any of the studies or analyses which the community requested in order to determine the impact of your proposed development.

With a hearing now scheduled before the BZA for April 26, we again ask that you provide to the community vital information necessary to address our concerns about your plans to construct thirteen houses on the wooded and hilly Murphy property, which sits directly across from a national park and is subject to the protections of the Chain Bridge Road/University Terrace Tree and Slope Overlay. Should we receive this information in a timely manner, we would be interested in meeting with you again, provided you are willing to enter into a constructive dialogue with the community and are prepared to show flexibility which has not been forthcoming to date.

Our information needs include the following:

1. We would like a copy of the traffic study which we understand you have commissioned. Since your contractor was observed taking traffic measurements on Chain Bridge Road several weeks ago, a report of your traffic study should now be available.
2. We need to review your soil and stormwater management plan for the property. We understand that such a plan has been prepared but we have not yet seen it. Our letters of October 13 and 25 stress the precarious storm water management situation that already exists on Chain Bridge Road and the history of severe water damage to several adjacent properties as a result of runoff from your property. This serious issue will undoubtedly require a complex and comprehensive drainage system in light of the density of development you are proposing.

3. We need to understand how you propose to maintain the stability of the slopes on the perimeter of the property. These slopes are quite steep and high and overlook numerous houses and protected trees outside your property. The soil on these slopes is comprised heavily of fill which is unstable and prone to erosion. The existing retaining systems are old and inadequate and some of the slopes are already collapsing, leading to the toppling of trees on your property and damage to the trees and structures on your neighbors' properties. Since some of your proposed houses will be constructed in the steeply sloped areas at the edge of your property, the potential for further flooding, soil erosion and embankment collapse is obvious yet you have not proposed retaining walls or other protections that would reduce these dangers during or following construction.

4. Your BZA submission does not include a grading plan. Such a plan is of obvious importance given the hilly topography of the site, the deep excavations that will be made for houses built in sloped areas, the proposed widening of the existing driveway, and the construction of new driveways and traffic circles throughout the property. These activities will result in the removal of large amounts of soil, reinforcement and raising of some surfaces and reductions in grade for others – all of which could have a substantial impact on the root systems of protected trees and affect drainage and stormwater management.

5. Your plans do not indicate how and where utilities such as telephone wires, electricity cables and piping for sewage and drinking water will be located. These utilities will require extensive site work and will affect other important aspects of your plans, including grading, stormwater management and protection of unstable slope areas.

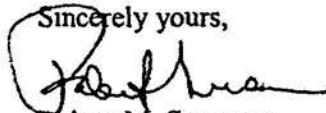
6. You have not submitted a site development plan that would indicate the timetable for and sequence of house construction. Nor have you specified whom (you or other builders or contractors) will be responsible for constructing individual houses and assuring that utilities and stormwater management systems serving the entire development are properly installed and maintained.

7. Our earlier letters identified serious gaps in your arborist's report. Since the report accompanying your March 22 letter is the same report we received previously, we assume that you are not conducting any further analysis of the impact of your proposed subdivision on trees protected by the Overlay. If this is incorrect and a new arborist's report or other study is in progress, we would like to receive a copy at the earliest possible date. (By the way, your letter incorrectly states that the Committee has not hired an arborist. Presumably, you recall that you provided our arborist with access to your property last fall; he has not yet prepared a report of his assessment).

8. Your plans do not show the landmarked school house property adjoining the theoretical subdivision. The proximity to the school house of the proposed cul de sac and the lack of compatibility of the house designs with the schoolhouse are issues that require consideration. In addition, the impact of widening the road on the landmarked school house property to provide access to the subdivision has to be reviewed and approved by the Historic Preservation Review Board (HPRB). We have yet to see any indication that you intend to submit your plans to HPRB for the required review.

Your insistence on proceeding with a hearing before the BZA without filing a complete application or addressing fundamental issues raised by the community has made it extremely difficult to examine all the consequences and implications of your planned subdivision despite its far-reaching impacts on our neighborhood. We hope you will turn your attention to meeting the critical information needs described above at the earliest possible date.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Sussman', written over a circular stamp or seal.

Robert M. Sussman

Chair

Chain Bridge Road University Terrace Preservation
Committee

cc: Norman Glasgow

OP

ANC Commissioners

David Murphy

Cathy Patterson

PCA

DCRA

HPRB

Mr. M. Bender
Winchester Associates
1025 Connecticut Ave., N.W., Suite 606
Washington, DC 20036

October 13, 2004

Dear Mr. Bender,

We appreciated your presentation to the meeting of October 11, 2004 at the invitation of the Chain Bridge/University Terrace Preservation Committee.

We are a group of neighbors to the south, west, and northwest boundaries of the Murphy property which you have purchased. Your presentation to the committee provided very limited information concerning your proposed residential development on the property. What we do know about your plans causes us grave concerns about how that development could physically affect the immediate neighbors to your property.

Our first concern is the precarious nature of the storm water management within the interior of this block area. Recent history has shown that water management is presently right at the edge of adequacy. Any further development will overwhelm existing drainage and cause significant water damage to your south and west, with further damage to properties beyond your immediate neighbors. Nowhere in your plans have we seen any storm water management issues addressed.

The next major issue is the stability of the slopes on the perimeter of the property, most of which is fill dirt in the extremely steep areas. Your present theoretical subdivision concept contemplates large houses on the edge of the slopes and into fill dirt slopes. We are extremely concerned with the consequences of inevitable soil erosion, mud slides, and weakening of already precarious tree root systems. Soil erosion and mud slides could result in catastrophic flood damages to the immediate properties as well as the toppling of large trees with consequences not only for property damage but also for the personal safety of the surrounding neighbors. In addition, trees protected by the Overlay would be destroyed.

Given the density of the residential development reflected in your present plans and the lack of specific details concerning how you intend to assure sound water management and slope stability, we feel that your proposal poses undue risks to abutting properties. Before you make any application to the Board of Zoning Adjustment, we would hope you would perform and share with the community engineering studies that address our concerns and explain how they will be eliminated.

As the immediate neighbors of your property we are always available for consultation.

Mr. and Mrs. E. Hovde, 2911 University Terrace NW, Washington DC 20016
Mr. and Mrs. M. Olson, 2855 University Terrace NW, Washington DC 20016
Mr. and Mrs. J. Wallace, 2851 University Terrace NW, Washington DC 20016
Mr. and Mrs. L. Baxt, 2 properties, 2728 1/2 Chain Bridge Road NW, Washington DC 20016
Mr. and Mrs. L. Carter, 2 properties, 2722 Chain Bridge Road NW, Washington DC 20016
Mr. and Mrs. R. Djabbarzadeh, 2738 and 2740 Chain Bridge Road NW, Washington DC 20016

Cc:

Mrs. Alma Gates, ANC 3D, 4911 Ashby St. NW, Washington, DC 20007
Mr. A. Aiches, Palisades Citizens Association, Zoning & Planning, P.O. Box 40603 Washington, D.C. 20016
Mr. Tim Dennee, Historic Preservation Office, Office of Planning, 801 North Capitol St. SE, Suite 3000, Washington DC 20002
Mrs. Maxine Brown Roberts, Office of Planning, 801 North Capitol Street, NE, Suite 4000 Washington, DC 20002
Mr. Tim KariKari, Sediment and Storm Water Technical Services Branch, DCRA, 51 N Street, NE, 5th floor Washington, DC 20002
Mr. David Murphy, National Park Service, 1100 Ohio Drive SW, Washington DC 20242
Mr. Toye Bello, Zoning Administrator, 941 N. Capitol NE, 2nd Floor, Washington DC 20002
Mr. Robert Sussman, Chain Bridge / University Terrace Preservation Committee, 2824 Chain Bridge Road NW, Washington DC 20016
Mr. Art Watson, 2828 Chain Bridge Road NW, Washington, DC 20016

October 25, 2004

Mr. Morton Bender
Dorchester Associates
1025 Connecticut Avenue, NW, Suite 606
Washington, DC 20036

Re: 2762 and 2800 Chain Bridge Road

Dear Mr. Bender:

The Chain Bridge Road/University Terrace Preservation Committee (CBR/UTPC) would like to thank you for attending our October 11 community meeting to discuss your plans for developing the old Murphy property at 2762 and 2800 Chain Bridge Road.

Our Committee would like to work with you on a realistic and responsible development plan for this property which meets both your needs and those of the community. Unfortunately, however, your presentation raised more questions than it answered and underscored the community's concerns about your proposed housing development in its current form. We hope you can address these concerns and provide additional information about your plans in the near future so we can continue our dialogue regarding the Murphy property.

As you know, Chain Bridge Road is a narrow and winding country lane which in all likelihood dates to Colonial times. The properties along the road are generally large, hilly and heavily treed. The area has a rustic character unique in the District of Columbia. It was to protect that rustic character that the community successfully sought its designation as an Overlay district, where restrictions exist on removal of trees, grading of slopes and construction of excessively large homes in relation to their lot size. The old Murphy property has contributed significantly to the character of the neighborhood; it is the largest undeveloped property in the Palisades.

Your proposal to construct 13 houses on the Murphy property would have a far-reaching and significant impact on the neighborhood. Accordingly, its consequences need to be carefully considered – particularly since you will be asking the Board of Zoning Adjustment (BZA) for a zoning variance to create a theoretical subdivision to which you are not entitled as a matter of right.

Community members present at the October 11 meeting raised several serious concerns about your plans which are summarized below:

- An arborist retained by the CBR/UTPC has inspected the property with your cooperation. His initial evaluation indicated that numerous protected trees under the Overlay would experience fatal root damage due to their close proximity to the proposed residences. In addition, the arborist pointed out that your initial tree survey does not account for trees that are under 38" and over 12" in diameter. The Overlay provides that no more than 25% of the total circumference of trees over 12" can be removed; since your survey neither identified existing trees in the 12-38" category nor specified which of these trees you

intend to remove, it is impossible to determine whether you will comply with the Overlay.

- The main driveway that currently serves the property will, according to your plans, be the principal means of ingress and egress for the residents of your development. According to our measurements, this driveway is now 12' in width and is therefore too narrow to accommodate two-way traffic. We understand that you intend to propose to widen the driveway to 16.' This widening could fatally damage the allee of protected trees that now lines the driveway and may still be too narrow for delivery trucks and emergency vehicles to access the development safely.
- Our preliminary calculations indicate that, counting interior roads, cul de sacs and other common areas, the total impervious surface in your subdivision will approach and perhaps exceed 50% of the total area of the Murphy property. This amount of impervious surface is right at the limit permitted by the Overlay. It will make it impossible for the homeowners to build swimming pools, terraces or other amenities. Because so much of the current soil of the property will be paved over, runoff problems will be greatly aggravated and tree root systems will be impaired.
- The construction of 13 homes with 26 or more vehicles will create traffic congestion and safety issues given the narrow and curved nature of Chain Bridge Road. In addition, since your plans do not provide for visitor parking within the subdivision, guests of residents would need to park on the Road itself, adding to congestion and creating potential hazards. Equally important, severe stress will be placed on the road and on Battery Kemble Park during the construction process itself, which will require the continuous presence on the road of numerous large trucks and pieces of construction equipment for several years.
- Storm water management in this portion of Chain Bridge Road is already precarious, with runoff after heavy rains causing water damage to a number of adjacent properties and the Road itself. Any further development will overwhelm existing drainage and cause significant water damage to the south and west, with further damage to properties beyond your immediate neighbors. Nowhere in your plans have we seen any storm water management issues addressed, and you were unforthcoming on this issue at the community meeting. The lack of a stormwater management strategy is of grave concern to homeowners abutting your property to the south, west and northwest. Inadequate stormwater management could also have adverse impacts on Battery Kemble Park.
- Also of serious concern is the stability of the slopes on the perimeter of the property, most of which is fill dirt in the extremely steep areas. Your plans call for large houses on the edge of the slopes and into fill dirt slopes. This creates a serious risk of soil erosion, mud slides, and weakening of already precarious tree root systems. Soil erosion and mud slides could result in catastrophic flood damages to the immediate properties as well as the toppling of large trees, leading to property damage and threats to the personal safety of the surrounding neighbors. In addition, trees protected by the Overlay would be destroyed.

- Your plans call for the construction of tall houses at the edge of the steep embankments at the property boundaries on the south, west and southwest. These prominent structures will damage the viewshed enjoyed by users of Battery Kemble Park and your immediate neighbors.
- Your plans propose to provide access to the subdivision by lengthening and broadening the driveway that now serves the Landmarked African-American schoolhouse. This could adversely affect the historic value of the schoolhouse and in any case would require approval by the Historic Preservation Review Board, according to HPRB staff we have consulted.

In sum, our review of your proposed plans has necessarily been preliminary, both because of the sketchy nature of the plans themselves and because you have not yet made a formal submission to the BZA. The approval process for theoretical subdivisions is broad in scope and encompasses all issues that could affect the quality of our community. Until we have reviewed your BZA submission, the Committee cannot be sure which issues we would ask the BZA to consider.

Nonetheless, based on the review conducted to date, we are troubled by several aspects of your proposed development which have the potential to damage the properties of your immediate neighbors and the community generally. The preliminary drawings you have shared with our Committee, the ANC and others do not contain the supporting studies and concrete management plans necessary to demonstrate how you plan to address these concerns. For example, we have not seen plans to prevent tree damage during construction, manage stormwater runoff and protect against erosion and mudslides. Nor have we seen your grading plans or your traffic management study. It would be a courtesy to the community and expression of good will to share these materials and obtain our feedback before you submit your plans to the BZA. With answers to our questions and more complete information about your plans, we would be in a better position to engage in a constructive dialogue about your proposed development before you embark on the formal BZA process.

We look forward to hearing from you.

CHAIN BRIDGE ROAD/UNIVERSITY TERRACE PRESERVATION COMMITTEE

Alan Aiches	Judith Lanius
William Barnard	Debra Lehman-Smith
Leonard Baxt	Ronnie Steinwald
Luther Carter	Arthur Watson
Peter Hapstak	Robert Sussman
	Steve Wolf

cc: Alma Gates (ANC 3E)
Stuart Ross (PCA)
Maxine Brown-Roberts (OP)
Tim Kari-Kari (DCRA)
David Clark (DCRA)
David Murphy (NPS)
Toye Bello (Zoning Administrator)
Kathy Patterson (City Council, Ward 3)
Rudi Djabbarzadeh

OUTLINE OF TESTIMONY OF MARY SEARS, CIVIL ENGINEER

- I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS
- II. DESCRIPTION OF SITE LOCATION AND IMMEDIATE AREA
- III. UNANSWERED CONCERNS WITH STORM WATER MANAGEMENT
- IV. UNANSWERED CONCERNS WITH SOIL INFILTRATION, TOPOGRAPHY AND GRADING
- V. CONCLUSIONS

OUTLINE OF TESTIMONY OF ED MILHOUS, CERTIFIED ARBORIST

- I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS
- II. DESCRIPTION OF CB/UT OVERLAY DISTRICT REQUIREMENTS RE TREES
- III. DESCRIPTION OF CONDITION OF TREES ON SITE
- IV. UNANSWERED CONCERNS WITH DEVELOPMENT AND APPLICANT'S TREE PRESERVATION MEASURES
- V. CONCLUSIONS

OUTLINE OF TESTIMONY OF STEVEN PETERSON, TRAFFIC CONSULTANT

- I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS
- II. DESCRIPTION OF SITE AND ROADWAY CONDITIONS
- III. UNANSWERED CONCERNS WITH PROPOSED DEVELOPMENT AND TRAFFIC CONSIDERATIONS
- IV. CONCLUSIONS