

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

January 5, 2006

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

RECEIVED
D.C. OFFICE OF ZONING
2006 JAN -5 PM 4:09

RE: Application # 17309
Hearing Date: January 10, 2006

Dear Mr. Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting on January 4, 2006, 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 December 28, 2005 and January 4, 2006, and meeting notices were posted in the ANC area. The commission voted 6-0-0 to deny the application of Dorchester Associates LLC for a special exception under § 2516 of the Zoning Code to allow the construction of a theoretical lot subdivision for thirteen (13) single family homes and a modification of the requirement of a twenty-five foot roadway under § 2516.6(b) as permitted by §2526.6(d) in the Chain Bridge Road/University Terrace Overlay R-1-A Zone District on Chain Bridge Road, NW.

This marked the third appearance of Mr. Bender, the Applicant and property owner, before the commission and while not available until December 23, 2005, his most recent application appears to be somewhat more complete than two earlier submissions. It contains a grading plan and conceptual stormwater management plan that has been given preliminary approval by the Environmental Health Administration. Other than those two additions, previous areas of concern such as lot size, number of houses, impervious surface coverage, tree protection, protection of parkland, and slope protection continue to be of concern to the commission.

Mr. Bender was reminded that "the purpose of the Chain Bridge Road/University Terrace (CB/UT) District is established to preserve and enhance the park-like setting of the Chain Bridge Road/University Terrace area by regulating alteration or disturbance of terrain, destruction of trees, ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences." The commission advises the

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17309
EXHIBIT NO. 82

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Board of Zoning Adjustment that the application and the purpose of the overlay districts as stated in Title 11 §§ 1511 and 1565 are not in harmony.

Consideration of this application has been very difficult for the commission given the scope of the proposal, its impacts and implementation, and the inability of the commission to obtain information from or to meet with Mr. Bender. The two continuances requested have not led to further discussion with the community. In October the commission was informed there were no changes and therefore Mr. Bender would not be returning to the commission. Not until December 23 and 27 was the commission served with the new application. As noted in the commission's letter of December 29, 2005, only one copy of the submission was made available to the commission. Additional copies were requested; however counsel for Mr. Bender informed the chair that no additional copies would be made available.

The Chair of ANC 3D hurriedly prepared the two enclosed fact sheets for the commission and an outline of the remaining areas of concern. These formed the basis for the discussion the commission had with Mr. Bender who continued to refer to letters from various District agencies as approvals for the project. The letters in the file may not reflect the recent changes and one significant concern surrounded the use of the main roadway into the development that has been changed recently from 20 feet to 12.6 feet. A significant portion of the road will remain at 12'6" but the approval of the Fire Marshall appears based on a 20" wide roadway. According to the driver of the hook and ladder truck at Engine Co. 29 on MacArthur Boulevard, which would service this area, a hook and ladder truck requires a minimum level width of 14" to utilize the stabilizer bars that permit the ladder to be extended. The Fire Marshall needs to submit a new letter based on the current width of the road.

The stormwater management system has been approved in concept but no information is available about the water once it leaves the property. Mr. Bender was unable to answer questions in that regard.

Impacts on Battery Kemble Park were also raised and Mr. Bender informed the commission that he had discussions with the National Park Service but offered no information beyond confirming discussions.

Robert Sussman, president of the Chain Bridge Road/University Terrace Preservation Committee (the committee) also addressed the commission. Shortly into his comments, Mr. Bender accused him of "beating up on him" and chose to leave the meeting.

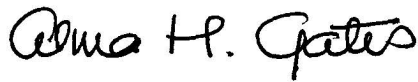
Mr. Sussman alluded to the same difficulties expressed by the commission and referenced a letter filed on January 4, 2006, by their attorney J. Patrick Brown, requesting a continuance. He asked the commission to support the request.

No one spoke in support of the application.

The commission supports the fact that development is going to occur and would favor an opportunity to discuss the proposal fully with the Applicant. Given the need for meaningful discussion between the Applicant, the community and the commission, that information has not been made available, that maximization of the project continues, and that significant questions remain unanswered, a motion was made to deny the application and to support the continuance request filed by the committee. The motion passed by a vote of 6-0-0.

Therefore, Advisory Neighborhood Commission 3D asks that its considerations be given the "great weight" to which it is entitled under DC Law.

Sincerely,

A handwritten signature in black ink that reads "Alma H. Gates". The signature is written in a cursive, flowing style.

Alma H. Gates
Chair, ANC 3D

Enclosures (2)

cc: Morton Bender
Robert Sussman

Bender Application/Chair's Talking Points for ANC Meeting 1/4/06

Major Areas of Concern that remain:

- Density of proposed development
- Protecting parkland
- Controlling stormwater runoff
- Protecting the tree canopy
- Protecting the slopes

Current Application:

13 houses on lots of 9,500 sq. ft. – only three lots exceed the minimum

Average lot occupancy where 3,150 sq. ft. are permitted is 2,794 sq. ft or at 88%

Overall impervious surface where a maximum of 50% is permitted is at 45%

Protection of Parkland:

Lot 3 – One of two lots that have had “significant” changes

- Northern most house along Chain Bridge Road

- Has been set back 8 additional feet from Chain Bridge Road and reduced by 700 sq. ft.

- The height of the home has been reduced by 2.5 feet.

- The overall elevation is still 40 ft. above grade and imposing to anyone in the park.

- Lot width is reduced to 107 ft. what is the new width of this house?

Lot 4 – The lot on the north side of the main entrance to eight houses

- Lot has been reduced in width by 40 ft. to accommodate a proposed lay-by

- The basement has been removed and the overall house reduced in size by 440 sq. ft. The basement area was 240 sq. ft.

- The height of the home is 40 ft. above grade.

- Above ground impact remains.

Lot B – The lot on the south side of the main entrance to eight houses

- Lot occupancy has been reduced to 77% from 92%

- Lot width has been increased by about 9 ft.

- Is that to accommodate the Baysaver unit?

- Second largest sq. ft. home at 8,867

- Height will tower over park – eye level from the park path is at house front door

Lot A – The lot just south of Lot B along Chain Bridge Road

Will have private driveway

Appears to exceed the height limitation by 3 feet

Recommend that houses along Battery Kemble be reduced in height by a maximum of 10 feet or one story

Controlling Stormwater Runoff

Environmental Health Department has signed off on concept drawings which call for individual storm trenches that will accommodate water from roofs and immediate areas around houses that will be piped to a “Baysaver” unit at the front of the property and filtered water will be piped off property

Where does the water go?

Will areas below MacArthur Boulevard be affected?

How will surface water be captured and treated?

What about chemicals from roads and lawns?

How will erosion and sediment be controlled as plans were not submitted?

Protecting the Tree Canopy

Arborist report does now list trees on lots, however only Bender arborist has seen the trees.

Urban Forestry Arborist should visit the site and review the recommendations of Bonifant Tree Service and certified arborist hired by Chain Bridge Road/University Terrace Preservation Committee to ensure agreement on tree protection and removal

A total of 8 trees over 38” are proposed for removal. Overlay allows 3 trees to be removed

No hardwood trees are shown in the landscape plan. Need to replace hardwood trees on property – not only use evergreens and flowering trees

Protecting the Slopes

Lot F has been changed from 3 stories to 2 stories reducing it by 2200 sq. ft. and 10 ft. in height (30 ft. from grade).

Retaining walls should be cement and not wood

Natural berms at front of property need to be maintained to prevent erosion

Traffic

The major concern is safety. The impact of 26 additional cars will not be significant. However, the line of sight from the entrance north and south is very limited and a

concave mirror will not provide ample warning to cars attempting to exit the main drive. Cars currently travel past the site at an average speed of 25 mph. There are 15 mph signs posted near the property so they are not an effective means of controlling speed.

The original entrance drive is inadequate for fire access: a hook and ladder truck requires a 14 ft. road to operate the stabilizing feet on either side of the truck before the ladder can be extended. Has EMS reviewed the recent plans approved by DDOT that permits a drive with a 12.5 width or did they base their approval on the previous plan that proposed a wider driveway?

A hook and ladder truck is 56 ft. long – the cul de sacs provided will have a diameter of not less than sixty feet.

Implementation of Homeowners Association

Is there still an intent to establish such an organization?

“Covenants, conditions and restrictions shall be recorded with the land records prior to the subdivision of the property. In addition to the required provisions set forth in these conditions, these documents shall require that the homeowners association maintain the stormwater management facility and all open spaced, sidewalks and roads.”

Will this be a gated community?

Construction Staging and Management

Missing from application

Bender Revisions to Plans for 2800 Chain Bridge Road Specs by Lot (Revised 12/26/05)

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	Average
Provided	9,563	9,588	9,693	9,589	9,522	9,803	9,777	11,939	9,529	9,569	10,619	10,429	9,517	9,934
% of Minimum Required	101%	101%	102%	101%	100%	103%	103%	126%	100%	101%	112%	110%	100%	105%
Lot Occupancy (Maximum 30%)														
Maximum Permitted	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,582	3,150	3,150	3,186	3,150	3,150	
Provided	2,895	2,524	2,787	2,229	2,499	2,440	3,121	3,575	2,933	2,781	2,874	3,070	2,589	2,794
% of Maximum Permitted	92%	80%	88%	71%	79%	77%	99%	100%	93%	88%	90%	97%	82%	88%
Impervious Surface (Maximum 50%)														
Maximum Permitted	4,782	4,794	4,847	4,795	4,761	4,901	4,889	5,970	4,765	4,785	5,310	5,215	4,759	
Bender Provided	4,143	3,312	4,186	3,541	3,439	4,686	4,498	5,573	3,525	4,414	3,626	4,098	3,204	
% of Maximum Permitted	87%	69%	86%	74%	72%	96%	92%	93%	74%	92%	68%	79%	67%	
Shared Impervious Coverage 11,736 sq.ft.														
Total Impervious Coverage is 45%														45%
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	89
% of Required	151%	122%	143%	101%	103%	149%	105%	101%	121%	107%	125%	102%	119%	119%
Building Area (sq. ft.)														
Cellar	1,875	1,575	2,368	1,555	1,487	752	0	0	1,594	1,122	1,663	2,026	217	
Basement	0	0	0	422	0	1,672	2,897	659	1,022	1,253	263	0	1,673	
Ground Floor	2,797	2,119	2,817	2,229	2,499	2,440	2,242	2,189	2,531	2,174	2,466	2,906	2,412	
Second Floor	2,530	1,994	2,615	2,204	2,169	2,440	2,011	3,209	2,067	2,119	2,379	2,906	2,132	
Third Floor	1,120	939	0	1,123	1,211	1,563	1,358	1,437	0	0	1,258	1,769	0	
Total	8,322	6,627	7,800	7,533	7,366	8,867	8,508	7,494	7,214	6,668	8,029	9,607	6,434	7,728
Building Height														
Elevation at Grade	289	289.5	289.5	290.5	270.25	263	266	265	267	267.5	267	270	269	
Elevation at maximum height	329	329.5	329.5	330.5	313.25	303	306.5	305	307	297.5	307	310	313	
Max height minus grade at front door	40	40	40	40	43	40	40.5	40	40	30	40	40	44	
Feet from grade to top floor ceiling	34	33.5	30.5	37.75	31.5	37.5	35	33.5	22	22.5	31	35	34.5	

**Bender Revisions to Plans for 2800 Chain Bridge Road
Specs by Lot (Revised 12/26/05)**

Lot	1	2	3	4	A	B	C	D	E	F	G	H	I
New Calculations (sq. ft.)													
Street Frontage (approx. linear ft.)	0	0	145.69	154.51	127.34	127.72	0	0	0	0	0	0	0
Inferred non-house impervious coverage	1,867	2,270	2,060	2,566	2,262	2,461	1,768	2,395	1,832	2,004	2,436	2,145	2,170
Lot Occup minus ground floor footage	98	405	-30	0	0	0	879	1,386	402	607	408	164	177
Trees (# on Map)													
Larger than 38" saved	7	8	27	13	40	42	49	31	29	59	66	2	4
		9		15		43	50	33	32		67	64	6
		10		16		44	51	34				65	19
		11		17		45	52	36					
				23		46	53	37					
				24		47							
				25		48							
				26									
Larger than 38"	1												
Saved outside of building lots	21												
	22												
	62												
	63												
Larger than 38" removed	5	0	0	14	0	0	0	35	0	0	55	0	
for construction				18							56		
											57		
Larger than 38" not on building lot removed	28												
Hazardous Trees	0	20	0	12	38	0	0	0	30	58	0	54	3
and dead trees since initial survey					39				60	61			
					41								

**Changes to Lot Coverage
from 12/04 to 12/05
Chain Bridge Road Project
(Same Number of Houses)**

	Lot Size Prior	Lot Size Current	Percentage of Change
Lot 1	9,610	9,563	0.01% decrease
Lot 2	9,766	9,588	0.02% decrease
Lot 3	9,620	9,693	0.01% increase
Lot 4	9,511	9,589	0.01% increase
Lot A	9,502	9,522	0.00% increase
Lot B	9,509	9,803	0.03% increase
Lot C	9,504	9,777	0.03% increase
Lot D	12,160	11,939	0.02% decrease
Lot E	9,586	9,529	0.01% decrease
Lot F	9,565	9,569	0.00% increase
Lot G	10,620	10,619	0.00% decrease
Lot H	10,437	10,429	0.00% decrease
Lot I	9,512	9,517	0.00% increase
Total square feet	128,902	118,708	0.09% decrease