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March 6, 2001

D.C. BOARD OF ZONING ADJUSTMENT
RECEIVED
2001 MAR -6 PM 4:33

BY HAND

Ms. Sherri M. Pruitt
Secretary
D.C. Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210
Washington, D.C. 20001

Re: BZA Application 16676

Dear Ms. Pruitt:

This firm is counsel for the Applicant, Washington Hebrew Congregation, through Stevens Park, LLC, the contract purchaser of the property. This firm was retained after the close of business on Wednesday, February 28, 2001.

Accordingly, the Applicant respectfully requests that the Board waive, for good and unavoidable cause, the 14-day deadline for filing a Prehearing Statement as set forth in 11 DCMR §3113.8. I am forwarding the original and nine (9) copies of the Prehearing Statement and have ensured hand-delivery to the Advisory Neighborhood Commission and Office of Planning.

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

BZA
Case No. 16676
Exhibit No. 30

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

JPB/sp 153577
Enclosures
cc: Steven Park, LLC (w/encl.)
Mr. Stephen Cochran, Office of Planning (w/encl.)
Mr. James Jones, Chairperson, ANC 4A (w/encl.)

Board of Zoning Adjustment
District of Columbia
CASE NO.16676
EXHIBIT NO.30

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Washington
Hebrew Congregation

BZA Application No. 16676
Public Hearing: March 13, 2001
ANC 4A

D.C. RECEIVED
OFFICE OF ZONING
2001 MAR -6 PM 4:33

STATEMENT OF THE APPLICANT

I. Nature of Relief Requested

This is an application pursuant to 11 DCMR 3104.1 for a special exception under Subsection 353.1 to allow the construction of thirteen (13) new townhouses with twenty-six (26) off-street parking spaces in a R-5-A District at premises of the 1300 block of Missouri Avenue, N.W. (Square 2792, Lot 802).

II. Jurisdiction Of The Board

This Board has jurisdiction to grant the requested special exception relief pursuant to Section 3104.1 of the Zoning Regulations. The Applicant's clear satisfaction of the burden of proof is set forth below.

III. Background Of The Application

This is an application by the Washington Hebrew Congregation through Stevens Park, LLC which is the contract purchaser of the Site (the "Applicant"). The Applicant proposes to develop this long vacant site with thirteen (13) new all brick three-story townhouses with twenty-six (26) off-street parking spaces.

A. The Site.

The Site which has always been vacant land is zoned R-5-A which provides for low-density residential development like this project. Generally, the Site is located two blocks east of Rock Creek Park on Missouri Avenue between 13th and 14th Streets. See Baist and Sanborne Atlases, ExhibitsA and B, respectively. The adjacent neighborhood is comprised almost exclusively of taller and slightly higher density three and four-story garden-style apartment buildings. Missouri Avenue and 13th Street are major streets which can easily accommodate the limited increase in traffic that will be created. See DHCD Report, Exhibit C. The Site is in close proximity to public schools, including Brightwood Elementary immediately across the street, Paul Public Charter Junior High School, and Coolidge Senior High. A Safeway is located nearby at the intersection of Piney Branch Road and Georgia Avenue.

The site has a lot area of 31,252 square feet facing on Missouri Avenue, N.W. and bounded by a one-plus acre (58,452 square feet) federal park (part of U.S. Reservation 499) on the west, Rock Creek Ford Road, a 33 foot wide public street, on the north, and the rear of several brick garden-style apartments facing on 13th Street to the east. The southeast corner of the Site is bounded by Lot 803 which contains a single-family detached dwelling at 1329 Missouri Avenue, N.W. See Baist and Sanborne Atlases, Exhibits A and B.

B. Proposed Development.

The Applicant proposes to construct thirteen (13) all brick three-story townhouses. The townhouses will be configured and constructed in three separate groups or buildings. See Conceptual Site Plan, Exhibit D. On Lot A, the building will contain five (5) townhouses which will face the federal parkland and have the front entrances along a front court and sidewalk. On

Lot B, the building will contain four (4) tonwhouses which will face the interior of the site and have the front entrances along a front court and sidewalk. On Lot C, the building will contain four (4) townhouses which will also face the federal parkland and have front entrances along a front court and sidewalk. There will be twenty-six (26) off-street parking spaces which will be accessed from an eighteen (18) foot wide private roadway running from Missouri Avenue through the center of the site. See Conceptual Site Plan, Exhibit D. The parking provided is double the amount required (one (1) space for every dwelling unit) under the applicable Zoning Regulations. 11 DCMR 2101.1. Each townhouse will be sold as a single unit with two (2) bedrooms and two and a half (2.5) bathrooms on the first and second floors and a large family room, parlor, etc. on the ground floor. At the purchaser's option, the ground floor can be converted to a separate unit with one bedroom and one bathroom entered from a foyer inside the front door. See Unit Floor Plans, Exhibit E. Each unit will have a fenced in patio from the ground floor and a deck off of the first floor. See Exhibit D. These townhouses have been carefully designed to be affordable for middle income residents.

C. Landscaping and Screening.

Substantial landscaping and screening will be provided throughout the site. Along the Missouri Avenue street frontage and in the rear of the units on Lot A, ten (10) foot tall Leyland Cypress trees will be planted. Along the Missouri Avenue frontage and western boundary with the federal parkland, a four foot high wrought iron fence will be installed. A hedge will be installed along the boundary facing the federal parkland of the Parking area between Lots A and C to provide a natural screen. An evergreen wedge in planters will be placed on the northern boundary of the site abutting Rock Creek Ford Road. The Applicant has also offered to plant ten

(10) foot high Leland Cypress trees on the boundary with Lot 803 to provide a landscaping barrier or screen. See Conceptual Site Plan, Exhibit D.

IV. Community Outreach and Participation

The Applicant has worked closely with the Office of Planning, the National Park Service, and Advisory Neighborhood Commission 4A as part of the planning and BZA approval process. This cooperative effort has produced many enhancements to the project, including the wrought iron fence, landscaping of the parking area, and orienting the front entrances to face the federal parkland. See Applicant's Letter to ANC 4A, Exhibit F. The Applicant has also tried to accommodate the adjacent property owner at 1329 Missouri Avenue, but the property owner has been reluctant to meet with the Applicant.

V. Applicant Meets The Requirements For The Requested Special Exception

Uses that are allowed by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed special exception satisfies the relevant zoning requirements. If the prerequisites of the Regulations are satisfied, the Board ordinarily must grant the application. See, e.g., Bakers' Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth in greater detail below, approval of special exception relief in this case meets or exceeds all of the applicable requirements and is in harmony with the general purpose and

intent of the Zoning Regulations and Map and will not adversely affect the use of nearby properties.

In the R-5-A zone, a special exception under § 353.1 for a new residential development is subject to the requirements set forth in § 410, including the following:

410.2 All buildings in the group of buildings shall be erected simultaneously.

Compliance: The thirteen townhouses are configured in three buildings or groups. On Lot A, the building will contain five (5) townhouses which will be built at the same time. On Lot B, the building will contain four (4) townhouses which will be built at the same time. On Lot C, the building will contain four (4) townhouses which will be built at the same time. *See* Conceptual Site Plan, Exhibit D.

410.3 All front entrances of the group shall abut a street, front yard, or front court.

Compliance: The front entrances for the townhouses on Lots A and C face or abut a front court which runs along the western boundary of the property facing the federal parkland. The front entrances for the townhouses on Lot B face or abut a front court in the interior of the property along part of the private roadway. *See* Conceptual Site Plan, Exhibit D.

410.4 No rear or service entrance shall abut a street, front yard, or front court unless below the main floor.

Compliance: Each of the townhouses has a rear entrance from the enclosed patio behind the unit. No rear entrance abuts a street, front yard or front court. *See* Conceptual Site Plan, Exhibit D, and Front and Rear Elevations, Exhibit G.

410.5 No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.

Compliance: There are no exterior stairways on any of the thirteen (13) townhouses.

410.6 No subdivision of the property shall be authorized until the Board has determined that the following requirements are met:

(a) There shall be adequate free access to the street from each separate dwelling, group of dwellings, or buildings resulting from the subdivision;

Compliance: Each townhouse will have a front and rear entrance which will provide a means of access to either Missouri Avenue or Rock Creek Ford Road. Access will be across walkways connecting to common areas for parking and the private road or directly to the private road which provides direct access to Missouri Avenue. *See* Conceptual Site Plan, Exhibit D.

(b) Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and

Compliance: Access for fire protection and other purposes is provided by the eighteen (18) foot wide private roadway from Missouri Avenue which will be ensured by a recorded easement for the benefit of the residents, guests, invitees and the District. An existing fire hydrant is located at the Missouri Avenue entrance to the Site. In the parking areas, the minimum twenty (20) foot drive aisles are maintained. See Conceptual Site Plan, Exhibit D. Although there will be no vehicular entrance off of Rock Creek Ford Road, emergency vehicles will be able to have limited access to the Site from that public street.

(c) There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

Compliance: The limited number of units, open space at the front and rear of each unit, proximity to the federal parkland, substantial common or open space, limited height of the

townhouses and limited permitted density (0.90 FAR) of the project will ensure that there is more than adequate yards, courts light and air for each townhouse unit and the project as a whole.

410.7 The height of an individual building in a group of buildings may be measured as follows:

(a) Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building; and

(b) Any building that has another building between it and the public street may have its height measured from the proposed finished grade at the center of the front of the building, and the front shall be that side of the building providing access to the majority of the dwelling units within the building.

Compliance: As measured in accordance with this section, the height of each of the townhouses is in compliance with forty (40) foot and three (3) story limit imposed in a R-5-A zone. See Front and Rear Elevations, Exhibit G.

410.8 The front entrances of not more than four (4) one-family dwellings, nor more than four (4) dwelling units per floor, shall face any street that abuts the lot.

Compliance: The front entrances of all of the townhouses do **not** face any street that abuts the lot.

410.9 All front entrances of the group shall abut a street, front yard, or front court; Provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located nor nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court.

Compliance: All of the townhouses abut a front court.

410.10 No rear or service entrance shall abut a street, front yard, or front court, unless located below the main floor.

Compliance: No rear or service entrance abuts a street, front yard or front court.

410.11 No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group.

Compliance: There are no exterior stairways.

410.12 In the R-5-A and R-4 districts, if approved by the Board Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§410.1 and 410.11., subject to the following conditions:

(a) The provisions of §§410.4 and 410.5 shall be complied with; and

Compliance: The project complies with each of the requirements of §§410.1 to 410.11, and in particular §§ 410.4 and 410.5 as described above.

(b) The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

Compliance: According to the Department of Housing and Community Development report, this project will have no adverse impact because it is:

(a) Less dense than the surrounding medium density buildings;

(b) Complements the existing residential buildings;

(c) Provides much needed affordable housing;

(d) Will not create any new on-street parking demands; and

(e) The existing major streets will accommodate the slight increased in traffic.

See DHCD Report, Exhibit C.

410.13 In an R-5-B district, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; Provided, that the following requirements shall be met:

Compliance: Section 410.13 is not applicable in a R-5-A zone in which this property is located.

(a) All buildings in the group shall be erected simultaneously.

(b) All front entrances of the group shall abut a street, front yard, or front court;

(c) No rear or service entrance shall abut a street, front yard, or front court unless located below the main floor; and

(d) No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.

410.14 In an R-5-B district, if approved by the Board Zoning Adjustment, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§410.15 and 410.16.

Compliance: Not applicable.

410.15 Vehicular access to all or part of the group shall be provided when the Board deems the access is necessary in the interest of public convenience and safety.

Compliance: See Response to requirements of §410.6.

410.16 The erection of the group of buildings shall not affect adversely the present character of future development of the neighborhood.

Compliance: See Response to §410.12(b).

VI. Witnesses

The following witnesses will testify in support of this Application:

1. Mr. Martin H. Poretsky, Stevens Park, LLC

2. Mr. Kenneth West, West Consulting Group

VII. Exhibits In Support Of Application

Exhibit A: Baist Atlas.

Exhibit B: Sanborne Atlas.

Exhibit C: DHCD Report.

Exhibit D: Conceptual Site Plan.

Exhibit E: Unit Floor Plans.

Exhibit F: Applicant's Letter to ANC 4A.

Exhibit G: Front and Rear Elevations.

VIII. Conclusion

For the reasons set forth above, the requested special exception relief can be granted without impairing the intent, purpose and integrity of the Zoning Regulations.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

March 6, 2001

By: _____

John Patrick Brown, Jr.
1620 L Street, N.W., Suite 900
Washington, D.C. 20036
Telephone: (202) 452-1400
Counsel for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Statement of the Applicant was served by hand-delivery this 6th day of March, 2001, upon:

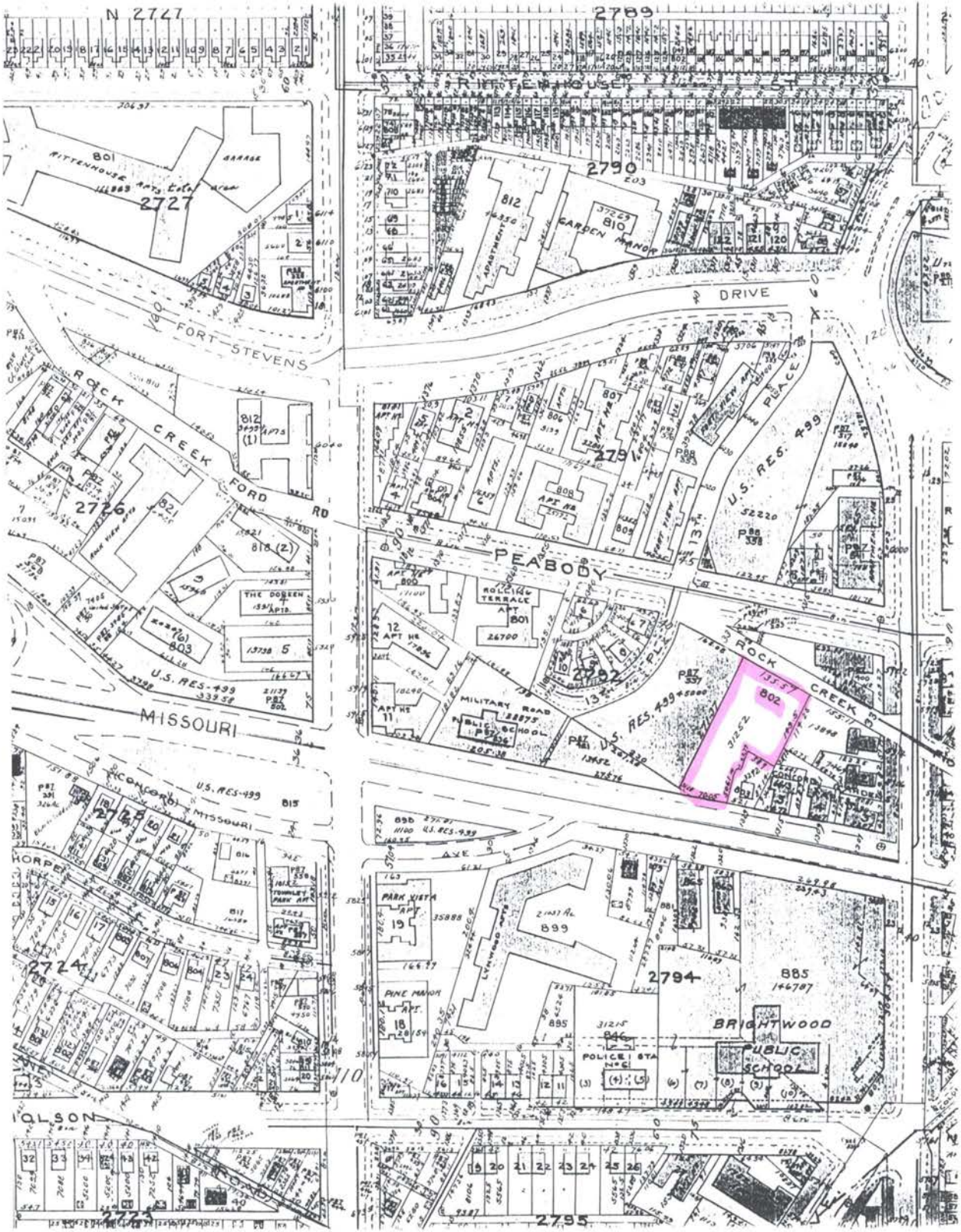
Mr. James Jones
Chairperson
Advisory Neighborhood Commission 4A
6300 Georgia Avenue, N.W.
Washington, D.C. 20012

Mr. Stephen Cochran
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002

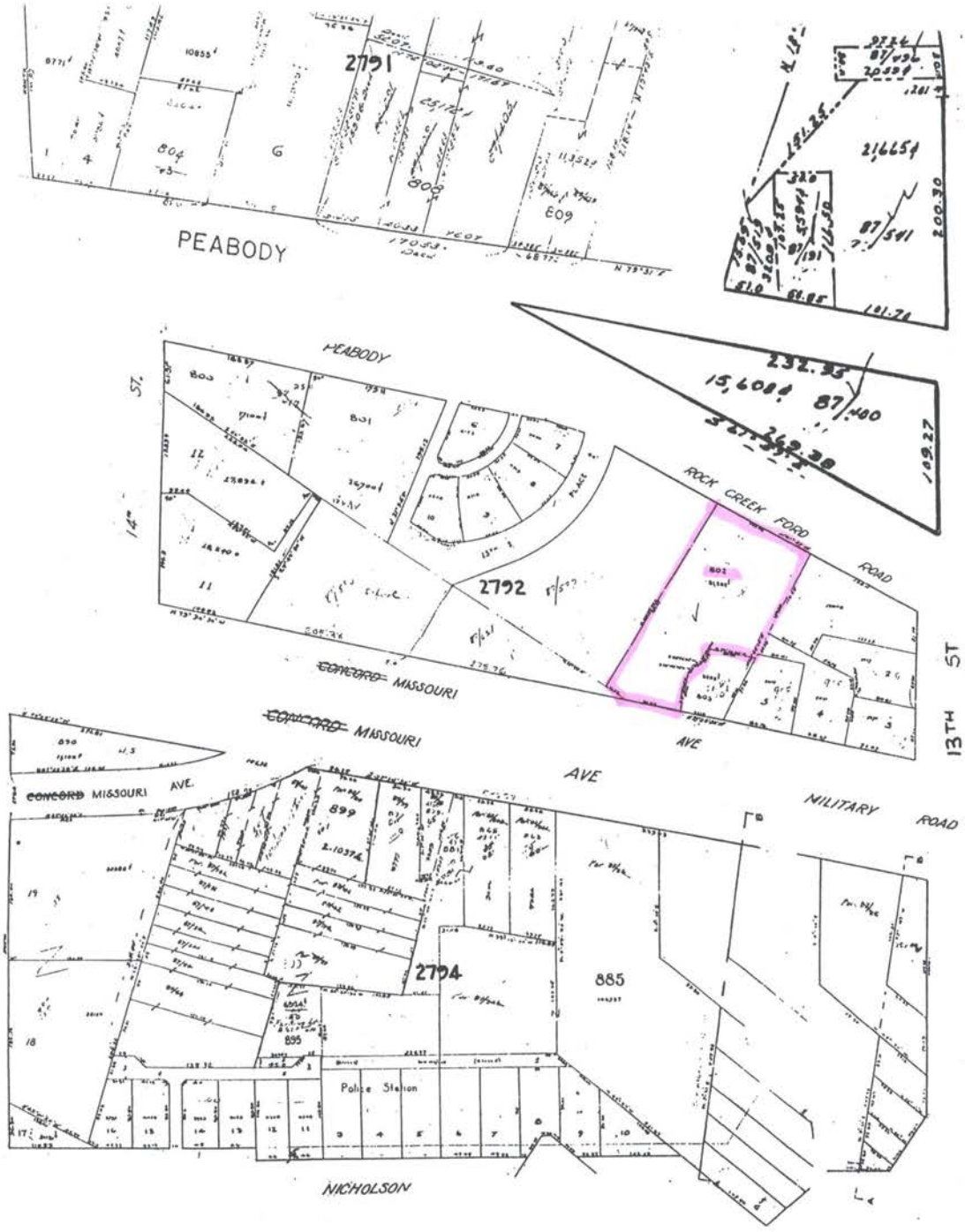
John Patrick Brown, Jr.

153533

A


N 2727
2789
RITTENHOUSE ST
801
RITTENHOUSE APTS
GARAGE
2727
2790
812
APARTMENTS
CARDEN MANOR
810
DRIVE
FORT STEVENS
ROCK CREEK FORD RD
812 (1)
2726
821
818 (2)
THE DOREEN APTS
803
U.S. RES-499
MISSOURI
2792
PEABODY
ROLLING TERRACE APT
801
MILITARY ROAD PUBLIC SCHOOL
802
ROCK CREEK
PEACE
U.S. RES. 499
2791
2793
CONCORD
MISSOURI
AVE
PARK VISTA APT
899
PINE MANOR APT.
2794
885
BRIGHTWOOD PUBLIC SCHOOL
POLICE STA NO 3
2795
2724
2725
HORPE
OLSON




2791
PEABODY
2792
PEABODY ST.
ROCK CREEK FORD ROAD
MISSOURI AVE
13TH ST
NILITARY ROAD
2794
885
Police Station
NICHOLSON

C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Director

MEMORANDUM

JAN 3 1 2001

D.C. RECEIVED
2001 FEB -1 PM 2:48
BOARD OF ZONING

TO: Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustment

FROM: Milton J. Bailey
Director

SUBJECT: Board of Zoning Adjustment Application No. 16676
Special Exception for Vacant Lot in 1300 Block of Missouri Avenue NW
(Lot 802, Square 2792)

Pursuant to Section 353.1 of the Zoning Regulations (DCMR Title 11), the Department of Housing and Community Development (DHCD) has reviewed the above referenced Board of Zoning Adjustment (BZA) application, visited the referenced project site location and has the following comments to make:

1. The adjacent neighborhood, including the project site, is zoned R-5-A and consists uniformly, of medium density three and four-story garden apartment buildings.
2. The proposed project construction of 13 new brick townhouses with English basement apartments is a slight reduction in height from the existing three and four-story apartment buildings adjacent to the site throughout the neighborhood. Nonetheless, the density of the proposed new townhouses complements nicely the adjacent existing garden apartment buildings.
3. The proposed project will add 13 new dwelling units (townhouses with English basements) of much needed affordable housing to the total stock of affordable housing within the District of Columbia.
4. The proposed project will provide 26 off-street parking spaces, two for each dwelling unit in the project, and will, therefore, not create any new on-street parking demands in the neighborhood.
5. The project site is located between Missouri Avenue NW on the south and Rock Creek Ford Road on the north. Missouri Avenue NW and 13th Street NW, the eastern edge of Square 2792 where the project site is located, are both major streets that can easily support the slight increase in traffic that 26 dwelling units will generate.

BZA
Case No. 16676
Exhibit No. 27

Based on the above comments, DHCD supports the issuance of a special exception, pursuant to Section 3104.1, to allow the construction of 13 English basement townhouses, with 26 off-street parking spaces, on Lot 802, Square 2792, in an R-5-A zoned district.



EXHIBIT 30D

FROM

CASE 16676

IS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE



EXHIBIT 30E

FROM

CASE 16676

IS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE

F

PORETSKY
BUILDING GROUP

VIA FAX 202- 723-6743

Mr. James Jones
Advisory Neighborhood Commission 4A
7600 Georgia Avenue, N.W.
Washington, D.C. 20012

Dear Mr. Jones:

Pursuant to our telephone conversation, thank you for placing us on the agenda for Tuesday, March 6, 2001. I had assumed that we were being placed on as a carry-over item from your last meeting, in February.

Since that last meeting, we have twice met with Adrienne Coleman, Superintendent of Rock Creek Park, and her staff. We have modified our site plan to incorporate a few changes that they have requested: adding a 4' high wrought iron fence around the perimeter as it abuts the park property, adding a landscaped hedge along the proposed parking lot that adjoins the Park, and most significantly, agreeing that the formal front entrances to the homes would face the Park.
(I will hand deliver to you a copy of this revised site plan along with the original of this letter.)

Enclosed herein is a copy of the notice for the BZA hearing set for March 13,2001. In addition I have included the pertinent sections of the District of Columbia Municipal Regulations that outline that in order to construct townhouses within the R-5-A zone, that we must appear before the BZA.

We are not asking for any variances or waivers of any requirements. We believe that we are in compliance with all items as listed in Sec. 410.1 thru 410.12 and referenced in Section 353 "NEW RESIDENTIAL DEVELOPMENTS (R-5-A)."

It is strictly due to Sec 353 that we will appear before the Board of Zoning Adjustment, and we would appreciate the record reflecting your support of our proposed development. I look forward to seeing you Tuesday March 6th at 7pm.

Sincerely,
STEVENS PARK LLC
For Washington Hebrew Congregation

Martin Poretsky

With enclosures

G

EXHIBIT 30G

FROM

CASE 16676

IS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE