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Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 17679

6923-6953 Maple Street and 6916-6926 Willow Street, N.W.

**Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP**

November 13, 2007

I. Site location and description

- A. Located in the center of the block bounded by Maple, Willow and Carroll Streets and Sandy Spring Road, N.W.
- B. Comprised of Lots 26-29, 40, 808, 811, 814, 815, 818-820, 824, 825, 840 and 843 in Square 3357
- C. Through lot with frontage on Maple Street of approximately 420 feet and frontage on Willow Street of approximately 407 feet
- D. Land area of approximately 101,879 square feet
- E. Currently improved with:
 - 1 3 one and two story single family dwellings
 - 2 Parking lot which serves the building across Willow Street to the east
 - 3 Remainder is vacant

II. Description of surrounding area

A Takoma area

- 1 Takoma Park Historic District
- 2 Takoma Central District Plan area

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17679
EXHIBIT NO. 38

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November 13, 2007

Page 2

- B** **Remainder of Square 3357**
 - 1 **To the north: CVS pharmacy**
 - 2. **To the south. 14 detached and semi-detached single family dwellings in the Takoma Park Historic District**

- C** **To the north: commercial uses along Carroll Street and Eastern Avenue in both the District and Takoma Park, Maryland**

- D** **To the west**
 - 1 **Mixed commercial and industrial-type uses in the C-2-A District**
 - 2. **One single-family dwelling at the corner of Maple and Vine Streets**
 - 3. **Takoma Metrorail Station at Carroll Street between Blair Road and Cedar Street**
 - 4. **Residential development (condominiums) at the corner of Blair Road and Carroll Street**

- E.** **To the south: predominantly single-family dwellings in the R-1-B District**

- F.** **To the east:**
 - 1. **Large commercial buildings formerly owned by the Seventh day Adventist Church and used for the Review and Herald Publishing operation**
 - 2 **Now used for general offices and by the Washington Theological Union and Strayer University**
 - 3. **Open parking and open space at the south end of the block across Willow Street**
 - 4 **Takoma Park Seventh Day Adventist Church at the corner of Eastern avenue and Laurel Street**
 - 5. **Further to the east is more single family residential**

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November 13, 2007

Page 3

III Existing zoning: R-5-A

A. Uses (§§350 - 361)

- 1 Single-family detached, semi-detached and row dwellings, flats and multiple dwellings permitted as a matter-of-right
- 2 New residential development, other than detached and semi-detached dwellings, permitted as a special exception

B. Height - maximum of 3 stories, 40 feet (§400.1)

C. Minimum lot width and area (§401.3): as prescribed by the Board

D. Maximum floor area ratio (§402.4).

- 1 Current: 0.9
- 2 Under pending Inclusionary Zoning: 1.08 (normal matter-of-right plus 20%)

E. Maximum percentage of lot occupancy (§403.2):

- 1 Churches and public schools 60%
- 2 All other structures: 40%

F. Rear yard - minimum depth of 20 feet (§404.1)

G. Side yard (§405)

- 1 Not required
- 2 If provided, minimum of 3 inches per foot of height, not less than 8 feet

H. Parking (§2101.1): minimum of 1 space for each dwelling unit

IV Proposed development

A. Use.

- 1 Three single family dwellings (relocated to the south end of the site from their present locations)

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November 13, 2007

Page 4

2. Two apartment houses with 38 units each
- B. Height
1. Existing single family dwellings range in height from 20 to 25 feet
 2. Apartment houses 40 feet
- C. Density 0.97 FAR for all five buildings (99,323 square feet of gross floor area)
- D. Rear yards (all comply):
1. Minimum of 20 feet required
 2. 20 to 31', 2" provided for the single family dwellings provided
 3. +41 feet provided for the apartment house
- E. Side yards (all comply):
1. Minimum of 8 feet required
 2. At least 8 feet provided for the single family dwellings
 3. At least 34 feet provided for the apartment houses
- F. Parking:
1. 79 spaces required
 2. 79 spaces provided
- G. Loading provided:
1. None required (apartment houses are each less than 50 units)
 2. 1 loading berth @ 30 feet provided for each apartment building
- V. Relief requested:
- A. Special exception for new residential development in R-5-A (§353)
 - B. Special exception for theoretical building sites on a single subdivided lot (§2516)

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November 13, 2007

Page 5

- C. Special exception under §411 for roof structures that do not meet the setback requirements, are not in a single enclosure and for walls of unequal height

VI Standards for the R-5-A special exception

- A. Adequacy of existing and planned area schools to accommodate the number of students that can be expected to reside in the project
- B. Adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects
- C. Site plan, arrangement of buildings and structures, and provision of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood
- D. Developer shall submit four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements

VII. Compliance with the standards for the R-5-A special exception

- A. Number of students – District generally has adequate capacity in public school system
- B. Adequacy of streets, recreation and other services
 - 1. Access to two paved public streets
 - 2. Traffic review by O R George concludes that there would be no appreciable impact on operational efficiency or safety
 - 3. Are outdoor recreation opportunities in the neighborhood, including Takoma Recreation Center and fields at Coolidge High School

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November 13, 2007

Page 6

C Relationship to public plans and projects

1 Comprehensive Plan

- a) Future Land Use Map includes in moderate density residential land use category
 - (1) Includes rowhouse neighborhoods as well as garden apartment complexes
 - (2) R-5-A is one of the zones listed as generally consistent with this category
- b) Comprehensive Plan Policy Map designates as Neighborhood Conservation Area
 - (1) Primarily residential in character
 - (2) Change will be modest in scale and consist primarily of scattered site infill housing
 - (3) Diversity of land uses and building types should be maintained

2 Rock Creek East Area element

- a) Land use planning should protect and enhance stable neighborhoods
- b) Appropriate sites for infill development around the Takoma Metro Station
- c) Development to be in keeping with scale of surrounding community, provide ample green space, address parking and traffic issues and upgrade infrastructure where needed
- d) Accommodate housing demand at the sites identified in the Takoma Central District Plan

3 Takoma Central District Plan

- a) Prepared by the Office of Planning, January, 2002
- b) Adopted by the Council June 4, 2002 (resolution 14-460)

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November 13, 2007

Page 7

- c) Preferred zoning concept (Figure F)· retain R-5-A for this site
 - d) Preferred land use concept (Figure G). garden apartments and townhomes for this site
 - e) Near term housing opportunity Site E:
 - (1) largest privately owned development site
 - (2) Could yield 80 residential units in garden apartments or approximately 50 townhouse units (Figure H)
 - f) Priority redevelopment Site 5.
 - (1) Preferred use· residential
 - (2) Proposed mix: ±80 garden apartments @ 36 units per acre or ±50 townhomes @ 22 units per acre
- D Site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading**
- 1. Single family dwellings relocated to portion of site adjacent to other existing single family dwellings (relocation approved by the Historic Preservation Review Board)
 - 2. Site is through lot with two frontages; each of the two apartment buildings faces, defines and holds the street
 - 3. Parking is primarily located between the two buildings, with some parking between the apartments and the CVS
 - 4. Area not devoted to building or parking is landscaped
 - 5. Site slopes gently down from north to south (about 5 feet on the Maple Street side and 10 feet on the Willow Street side)
 - 6. Buildings occupy approximately 36% of the lot
 - 7. Building design provides substantial setbacks from adjoining buildings, providing adequate light and air for residents

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November 13, 2007

Page 8

VIII Standards for the theoretical site special exception (§2516)

A. Plan submission requirements

B For lots having no street frontage

1. Front is side containing the principal entrance
2. Required front yard equivalent to minimum rear yard
3. Rear yard is required
4. Location of rear yard

C Net density

1. Covenanted means of ingress or egress not to be included in area of any lot or any yard
2. Vehicular access to be minimum of 25 feet
3. For single entry driveways, turning area with diameter of 60 feet required
4. Board may modify if lesser dimension does not have adverse effect on present character and future development of the area
5. Specific consideration to spacing of buildings and availability of resident, guest and service parking

D. Height measured from finished grade at middle of front of building

E Proposed development shall comply with substantive provisions and not likely have an adverse effect on present character and future development of the neighborhood

F Referral required to Office of Planning for review of

1. Overall planning considerations;
2. Site planning,
3. Traffic and parking; and
4. Impact on neighboring properties

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November 13, 2007

Page 9

- G Board may impose conditions regarding size and location of driveways; net density; height, design, screening and location of structures; and any other matter required to protect overall purpose and intent of Regulations

IX Compliance with the special exception standards for theoretical building sites

- A. Required plans submitted
- B. All of the five buildings (three detached single family dwellings and two apartment houses) have street frontage
- C. Net density – are no covenanted means of egress
- D. Height measured from middle of front of building; overall height of the apartment houses does not exceed 40 feet
- E. Proposed development complies with substantive provisions of R-5-A except for roof structures, for which relief is requested
- F. Project will meet all other requirements of District codes and regulations, including storm water management
- G. Project will not likely have an adverse effect on present character and future development of the neighborhood
 - 1. Surrounding development on three sides is all more intensive nonresidential development
 - 2. HPRB has approved the relocation of the single family dwellings and the design of the apartment houses as it relates to the historic district and the adjacent houses
- H. Referral has been made to the Office of Planning
 - 1. Future Land Use Map designates site for moderate density residential, which is what is proposed
 - 2. Office of Planning has recommended favorably on the application, by report dated November 6, 2007
 - 3. Loading area has been provided for each building, even though not required

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November 13, 2007

Page 10

- 4 One parking space per unit has been provided (meets requirements of the Regulations)
- I. Board can impose conditions limiting:
 1. Size and location of driveways,
 2. Net density
 3. Height, design, screening and location of structures
 - 4 Any other matters which arise during the process and need attention
- X Standards for the roof structure special exception (§411.11)
 - A. Where impractical because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area
 - B. that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable
 - C. the Board of Zoning Adjustment shall be empowered to approve the location, design, number and all other aspects of such [roof] structure ...
 - D. Provided that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely
- XI. Compliance with the special exception standards for roof structure
 - A Relief required for apartment buildings for.
 1. Setback not meeting 1 1 on side and rear of two buildings
 2. Two separate penthouses, one for stair/storage/elevator/override near the center of each the building and one for stair only at the side wall
 3. Center penthouse is composed of two elements, a lower element at 9 feet and a higher element (for the elevator override) at 15 feet, 6 inches
 - B. Operating difficulties and other conditions
 - 1 Location of stairs to the roof is fixed by location of stairs in building below

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November 13, 2007

Page 11

2. Two means of egress from roof required for roof deck
3. Building Code recommends that stairs be located at end of corridor

C Unduly restrictive and unreasonable

1. Compliance with single enclosure and single height would require much more construction on roof
2. Compliance with setback would require relocating stairs in building below and be opposite to the goals of the Building Code
3. Plan as proposed minimizes impact of construction above the height limit

D. Impact on light and air of other buildings

1. Roof structure meets setback requirements from the street; sides where setbacks are reduced are substantially setback from the property lines and other buildings
2. Penthouse is smaller volume than if the walls were all at one height and if the two separate enclosures were connected

XII Conclusions

- A. Proposed development is completely consistent with the type of development envisioned for R-5-A and with the Comprehensive Plan and the Takoma Central District Plan
- B. Each building complies with all requirements on theoretical lots
- C. Roof structures with less than required setback have no adverse impact and overall effect of roof structure relief is to reduce the size and impact of construction on the roof
- D. The application should be granted