

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

TESTIMONY OF CENTEX HOMES IN OPPOSITION TO PROPOSED
MAPPING OF INCLUSIONARY ZONING OVERLAY DISTRICT
IN TAKOMA PARK HISTORIC DISTRICT

October 19, 2006

Good evening, Chairman Mitten and members of the Zoning Commission. My name is Keith Tunell, and I am an Engineering and Entitlement Manager for Centex Homes. I am accompanied this evening by our land use attorney, Jacques B. DePuy of Greenstein DeLorme & Luchs.

For the reasons outlined below, we recommend that the Takoma Park Historic District or all historic districts be excluded from the Inclusionary Zoning (IZ) map.

Centex Homes is the fourth (4th) largest home builder in the country, with developments in 28 states and the District of Columbia. We are also a supporter of programs that promote and provide affordable housing and that are adequately incentive-based. To that end, we worked with the District last year to voluntarily set aside homes for low and moderate income families in an otherwise market rate community being developed in SW. However, the proposed mandatory IZ program offers marginal incentives at best and in an historic district such incentives are or may be illusory or inapplicable. In the case of a project in Takoma Park that we have been working on for the past two (2) years, such incentives are simply nonexistent.

Centex Homes has been designing and developing a large residential project on Blair Road, N.W. in the Takoma Park Historic District for the past 2 years. In fact, we have had many, many meetings with Takoma Park neighbors and community organizations, including the ANC, worked closely with the HPRB staff over many months, appeared before the HPRB at four (4) separate hearings and prepared and recently filed with DCRA full construction plans and drawings for our project. Our building permit application is currently being reviewed by DCRA permit officials.

For your information, I attach elevations of our proposed residential project and a chart that explains the way our project has been revised. As you will see in the chart, the building height, FAR and massing of our project has been substantially reduced below the matter-of-right density allowed by the C-2-A district as a result of the HPRB process. Thus, there is simply no opportunity to add "bonus density", as contemplated by Section 2604 of the IZ text, at this site. To force us to apply to the BZA to prove that we can't use this bonus density seems to us to be unfair and unduly burdensome.

For the reasons set forth in "Attachment 'A'" to my statement and the reasons above, we respectfully request that the Commission exclude the Takoma Park Historic District or all historic districts from the IZ map. Alternatively, we recommend that projects that have been approved by HPRB and for which building permit applications have been filed should be "grandfathered" from the IZ rules or IZ map.

Thank you for consideration of our views.

ZONING COMMISSION
District of Columbia

CASE NO. 04-35A
EXHIBIT NO. 57
ZONING COMMISSION
District of Columbia
CASE NO. 04-33A
EXHIBIT NO. 58

ATTACHMENT "A" TO TESTIMONY OF KELLY TUNELL

ON BEHALF OF CENTEX HOMES

The recently-adopted IZ rules require that builders earmark a portion -- or even all -- of "Achievable Bonus Density" for low and moderate income uses. However, the definition of Achievable Bonus Density has nothing to do with the actual bonus density that may be achieved on any particular site. Thus, this "achievable bonus density" is a theoretical number that assumes the highest additional square feet that could possibly be built under the IZ Rules.

When the HPRB reviews a project in an historic district, it is unconcerned with theoretical numbers, including "achievable bonus density". The HPRB focuses on architecture and setting. As a result of this HPRB review process, reductions in building size over the existing zoning is typical. Thus, there is no "bonus density" that can be achieved in such circumstances.

Some say that the IZ rules are clear that only bonus density actually achieved is subject to restriction. But that is not the case. It must be proved to the Board of Zoning Adjustment (BZA) that the only reason the density was not achieved was due to restrictions placed on the project by the government or based on other authorized reasons. This process will add 7 to 9 months to the development process and will also add additional costs, risk and uncertainty. Will the final design be challenged under the MIZ as having not sufficiently taken full advantage of possible Bonus Density? How much of the building will be considered Achievable Bonus Density? These are questions a builder will need to spend a lot of time and money to answer.

The added time and costs and the lack of predictability, on top of the existing lengthy HPRB review process, make the special circumstances of historic districts too cumbersome for home builders to comply with the mandated IZ program in historic districts.

The Centex Homes project in Takoma Park has been in design and development for over two years. We have had four public hearings before the HPRB and countless community meetings prior to such hearings. We are now well into the building permit process -- which is itself a lengthy process. Projects like ours -- with land contracts set, building plans set, community outreach and agreements made -- should not be forced to have to start over because a new regulations are adopted without adequate consideration to grandfathering as appropriate or a general exclusion for historic districts.

CEN'EX I ON ES
The Pavilions at Takoma
Blair Road at Spring Place, Takoma

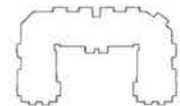
	Original Development Project	BONUS DENSITY PER IZ	Project as Modified by HPRB
No. of Units	160	Up to 20% more GFA than permitted as matter of right	144
Building Height	55 feet*	50	46 feet
Building Size	150,000 square feet	NA	130,000 square feet
FAR	2.5	3.00	2.25
Lot Occupancy	60%	75%	59%

*Permitted by Takoma Neighborhood Commercial Overlay District; C-2-A building height otherwise would be 50 feet



- 334.45 TOP PENTHOUSE
- 334.75 PAVILION
- 335.00 ROOF DECK
- 335.30 FLOOR
- 335.60 FLOOR
- 335.90 FLOOR
- 336.20 FLOOR
- 336.50 FLOOR
- 336.80 FLOOR

1 BLAIR ROAD ELEVATION
SCALE 1/32" = 1'-0"



WEST (BLAIR ROAD) ELEVATION
SCALE 1/32" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES

CLIENT: CENTEX HOMES

PROJECT: THE PAVILIONS AT TAKOMA

09.22.04

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717 5TH STREET, N.W. WASHINGTON, D.C. 20001

15880 GAITHER DRIVE GAITHERSBURG, MD 20877

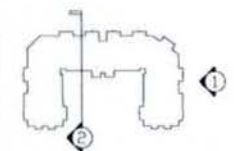
7035 BLAIR ROAD, N.W. WASHINGTON, D.C.



2 SOUTH COURTYARD ELEVATION / SECTION
SCALE: 1/32" = 1'-0"



1 SOUTH ELEVATION / SECTION
SCALE: 1/32" = 1'-0"



SOUTH ELEVATION / SECTION
SCALE: 1/32" = 1'-0"

ARCHITECT: ERIC COLBERT & ASSOCIATES
317 5TH STREET, N.W. WASHINGTON, D.C. 20001

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PROJECT: THE PAVILIONS AT TAKOMA
7033 BLAIR ROAD, N.W. WASHINGTON, D.C.

09.27.06

A-10