Second Preliminary Consultation <u>MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION</u> <u>STAFF REPORT</u>

| Address: | 9832 Capitol View Ave., Silver Spring | Meeting Date: | 11/15/2023 |
|----------------|---|----------------|---------------|
| Resource: | Spatial (undeveloped) Capitol View Park Historic District | Report Date: | 11/8/2023 |
| Applicant: | Mark Kaufman (Doug Mader, Architect; Phillip Long, Engineer) | Public Notice: | 11/1/2023 |
| Review: | 2 nd Preliminary Consultation | Staff: | Dan Bruechert |
| Proposal: | Construction of single-family dwelling, tree clearing, hardscape, and associated sitework | | |

STAFF RECOMMENDATION

Staff recommends the applicant make revisions based on the HPC's feedback and return for another preliminary consultation.

ARCHITECTURAL DESCRIPTION

| SIGNIFICANCE: | Spatial (undeveloped) Resource in the Capitol View Park Historic District |
|---------------|---|
| STYLE: | n/a |
| DATE: | n/a |



Figure 1: Proposed building site. Note, the property lines are incorrectly rendered and run from the street to the railroad tracks.

BACKGROUND

On February 2, 2022, the HPC heard a Preliminary Consultation to construct houses on the vacant lots at 9832 and 9838 Capitol View Ave., Silver Spring.¹ The HPC provided recommendations for revisions, including locating the house at 9832 Capitol View Ave. closer to the street to reinforce the existing streetscape, narrowing the houses to increase the side setbacks, and relocating the attached garage at 9832 Capitol View Ave. to the rear. The compiled comments from the HPC are attached to the application materials at the end of this report. The Capitol View LAP provided comments on the proposed houses including that the placement of 9838 could intrude on the spatial setting of the existing historic house, that the houses lacked a discernable style cited in the Master Plan amendment, and the compatibility of the size.

On September 7, 2022, the HPC approved a HAWP to construct the house to the north at 9838 Capital View Ave.² The approval was appealed to the County Board of Appeals, arguing the HPC erred in finding the house was appropriate for the character of the site and would not detract from the character of the surrounding district. At the April 12, 2023 hearing, the Board of Appeals concurred with the HPC's findings and upheld the HPC's approval.³

PROPOSAL

The applicant proposes to construct a single-family house on the vacant lot at 9832 Capitol View Ave. Associated hardscaping, tree removal, and grading are also included in the project scope.

APPLICABLE GUIDELINES

Capitol View Park Historic District

When reviewing alterations and new construction within the Capitol View Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Sector Plan for Capitol View & Vicinity (Sector Plan), Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

<u>Spatial Resources</u>: Spatial resources are unimproved parcels of land which visually and aesthetically contribute to the setting of the historic district, and which can be regarded as extensions of the environmental settings of the significant historic resources.

<u>Spring.pdf</u>. The recording of the hearing is available here: <u>https://mncppc.granicus.com/MediaPlayer.php?publish_id=fde307e0-8521-11ec-972b-0050569183fa</u> and begins at approximately 1:04:45

² The Staff Report and HAWP application for the approved HAWP at 9838 Captiol View Ave. is available here: <u>https://montgomeryplanning.org/wp-content/uploads/2022/08/I.C-9838-Capitol-View-Avenue-Silver-Spring-960660.pdf</u>. The recording of the hearing is available here:

¹ The Staff Report and application materials for the Preliminary Consultation are available here: <u>https://montgomeryplanning.org/wp-content/uploads/2022/01/II.A-9832-and-9838-Capitol-View-Avenue-Silver-</u>

https://mncppc.granicus.com/MediaPlayer.php?publish_id=97f6d8d8-2fa0-11ed-8da8-0050569183fa and begins at 44:00.

³ The Board of Appeals written decision, issued May 10, 2023, is available here:

https://www.montgomerycountymd.gov/BOA/Resources/Files/pdf/opinions/2023/A-6781.pdf

Montgomery County Code; Chapter 24A-8

- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to ensure conformity with the purposes and requirements of this chapter, if it finds that:
 - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Secretary of the Interior's Standards for Rehabilitation:

The Secretary of the Interior defines rehabilitation as "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values." The *Standards* are as follows:

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION

The proposal under consideration for this Preliminary Consultation involves constructing a house on an undeveloped lot in the Capital View Park Historic District. The subject lot was platted in 1887 and is shown on the original Plat Map of Capitol View Park (Block 31, Lot 13 shown below). The lot is 50' (fifty feet wide) and extends from Capitol View Ave. to the right-of-way for the Metropolitan Branch railroad tracks. The subject lot has been in common ownership with the historic Case House – 9834 Capitol View Ave - (c.1870) from the time of its platting to present. The property boundaries shown in the county GIS system incorrectly truncates the property (see *Fig. 1*, above). Deed research completed by Staff verifies that the property extends between Capitol View Ave. and the Metropolitan Branch right-of-way.

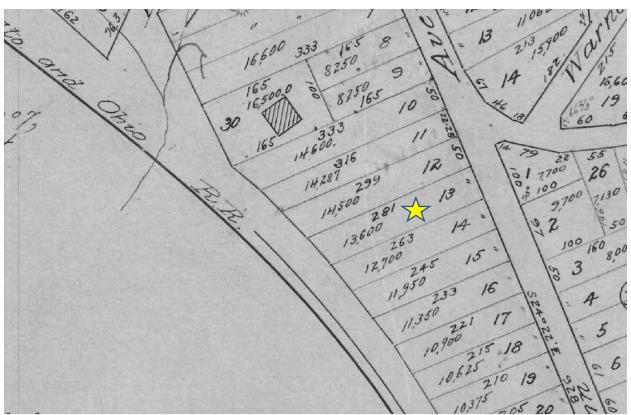


Figure 2: Detail of the 1887 Sanborn Map showing the subject Lot 13 and the Case House (Lot 30). Lots 10 and 11 were subsequently subdivided and houses were constructed on both of those lots in 1944.

The applicant proposes to construct a new single family house on Lot 13.

Site Access

Several factors constrain construction on the subject lot, which is likely why it has remaind undeveloped. First, there is an existing WMATA bus stop that blocks all access to the subject lot from Capitol View Ave. The second constraint to developing the lot is the existing crosswalk across Capitol View Ave. This existing infrastructure does not provide enough open space along Capitol View Ave. to install a curb cut to allow cars to access the lot directly. Any development on this lot will need to take advantage of the existing driveway on Lot 12 and record an access easement across the property. The boundaries of that easement can be set once the HPC approves the location of the house and garage and/or parking pad.



Figure 3: Location of the bus stop that blocks access to the subject property.

House Placement and Sitework

Based on feedback at the Preliminary Consultation, the applicant has reorganized the plan for the house, so the attached, side loading garage is at the rear. This change allows the house to be located much closer to the street, however, a portion of the proposed house will be obscured by the existing bus shelter. Many of the houses to the north of the subject property along Capitol View Ave. are closer to the street than current zoning allows. Staff finds the revised front setback is consistent with its neighbors- and reinforces the existing pattern of construction along the streetscape. This change was recommended by a majority of the HPC at the February 2, 2022 Preliminary Consultation.

The HAWP submission for 9838 Capitol View Ave. included a stormwater management and tree removal plan that included the subject property. It has been nearly a year and a half since that plan was prepared. Because the lengthy interval between completing that plan and because the applicant did not indicate that plan will be relied on for this project, Staff does not include a discussion of the tree removals or proposed hardscape alterations in this report. The applicant must submit (or resubmit) the stormwater management/sediment control/tree removal plan for the HAWP application to be considered complete.

Staff finds the house placement is in keeping with the feedback from the HPC and requests feedback from the HPC regarding:

- The proposed house locations and,
- Any mitigating measures that would help preserve the character of the district.

House Design and Materials

The proposed house is two-stories tall with an attached side loading two-car garage at the basement level. The main house mass measures 46' 4" \times 32' 6" (forty-six feet, four inches deep by thirty-two feet, six inches wide), with an additional 13' \times 20' (thirteen foot deep by twenty foot wide) section above the attached garage in the rear. The submitted information does not include the fully occupiable square footage of the proposed house. The submitted drawings appear to present conflicting information about

the proposed house height. Sheet dd7 states the height from the first floor to the ridge is 23' 8" (twentythree feet, eight inches), while sheet dd9 provides a first floor to roof mid-point measurement of 24' 1" (twenty-four feet, one inch). A correct measurement from the first floor to the principal gable ridge needs to be provided with the HAWP application.

The house will be placed near the street, with a 29' 10" (twenty-nine feet, ten inch) front setback. The house will have 7' 9" (seven feet, nine inch) setbacks on either side. Combined with the 11' (eleven foot) setback at the rear of 9830 Capitol View Ave., the two houses, at their closest, would be separated by18' 9" (eighteen feet, nine inches). Staff's measurement shows that the primary mass of 9830 Capitol View Ave. is approximately 15' 6" (fifteen feet, six inches) to the south of the property line.

The house draws largely from a traditional architectural vocabulary and has a front gable roof, with a small front porch with a shed roof. There is a small, front gable projection on the left side of the front elevation and a smaller projection to the left of the central front door. The design elements are nearly identical to the approved HAWP at 9838 Capitol View Ave. discussed above.



Figure 4: Proposed front elevation.

The house has a parged concrete foundation, with a fiber cement clapboards on the first floor, and shingle second story (no material was provided for the proposed shingle siding). Staff notes, only the front and right elevations have shingled second stories; the left and rear are only sided in fiber cement clapboards. Staff finds the HPC has required consistent levels of finish on new construction and building additions; and the treatment on all four elevations should reflect that level of consistency. That does not mean that the HPC does not allow for a hierarchy of elevation and rear do not receive the same level of care in their design. Additionally, staff finds that the porch is too narrow to read correctly as a traditional building element, there is too much paneling of inconsistent sizes surrounding the windows, and the

standing seam metal accents are out of character for the district. Other design embellishments appear to be applied, potentially resulting in an overall flat appearance for the house more consistent with buildergrade construction. The stone foundation is similarly out of character.

Windows throughout are a mix of four-over-one sash, one-light casement, and three-over-one hopper windows. Windows on the right elevation are mostly six-over-one sash windows with some fixed windows and three-over-one hopper windows. The information provided in the submitted materials indactes the windows will be clad-wood windows with simulated divided lights, but do not include any additional details.

Staff finds the footprint of proposed house is larger than some of the other recently approved buildings in the district. For example, the most recent construction on Capitol View Ave. (9905 Capitol View Ave., approved in 2015) has a footprint of 35' $8'' \times 50'$ 11" (thirty-five feet, eight inches wide by fifty feet, eleven inches deep). That construction includes an integrated two-bay garage, which is accessed from Menlo Ave. to the rear. The house at 10201 Menlo Ave. (approved in 2019) measures 31' × 46' (thirty one feet deep by forty-six feet wide) and includes an attached one-car garage.⁴ The proposed house is virtually identical in size to the house approved at 9838 Capitol View Ave., however, Staff notes that that house's distance and limited visibility from the public right-of-way factored into the HPC's justifications for a very lenient review of that HAWP.⁵

Materials for the two houses are fairly typical of what the HPC has seen for infill construction in historic districts including, fiber cement clapboard and shingle siding, clad wood windows, architectural shingle roof. Staff finds that these materials are generally appropriate for the site and district; however, Staff notes that most fiber cement shingles have too thin of a profile to be a compatible substitute material and detailed specifications will need to be submitted with the HAWP application. Additionally, full specifications for the windows and doors will need to be submitted with the HAWP before they can be fully evaluated.

At the previous Preliminary Consultation (which included both 9838 and 9832 Capitol View Ave.), Staff requested the applicant provide a streetscape study to better evaluate the compatibility of the proposed construction with the immediately surrounding district. The proposed house at the subject property has been relocated nearly 50' (fifty feet) closer to Capitol View Ave. and, due to the rise in grade, will appear much taller than what was presented in early 2022.

⁴ The applicant did not provide a measurement of the occupiable square footage of the proposed house. State Department of Assessments and Taxation (SDAT) information states the house a 9905 Capitol View Ave. is 2,841 ft^2 (two thousand eight hundred and forty-one square feet); and the house at 10201 Menlo Ave. is 2820 ft^2 (two thousand eight hundred twenty square feet).

⁵ The Staff Report and application materials for the approved HAWP are available here: <u>https://montgomeryplanning.org/wp-content/uploads/2022/08/I.C-9838-Capitol-View-Avenue-Silver-Spring-960660.pdf</u>.

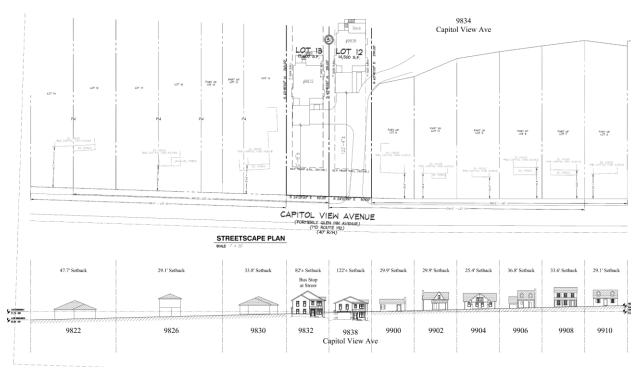


Figure 5: Streetscape study created for the February 7, 2022 Preliminary Consultation (a full-size version is included with the application materials after this report).

Staff finds the proposed house threatens to overwhelm the house at 9830 Capitol View Ave. as presented. The house should be lowered so that it presents as two full stories and no more on the façade. Staff also finds that breaking up the house massing, particularly at the front, would help the house appear smaller and more compatible with the character of the district. This could be accomplished by creating roof form with two gables, like the infill construction at 9905 Capitol View Ave. or a gable-L form at the approved house at 10201 Menlo Avenue.

Staff requests feedback from the HPC regarding:

- The compatibility of the height and massing of the proposed house;
- The compatibility of the design including a critique of the use and application of certain materials, and whether it is compatible with the character of the district;
- The overall compatibility of the materials selected;
- Any concerns or issues regarding the tree removal and replacement;
- Recommended revisions in for, size, and/or materials for the driveway house;
- Materials for the parking pad and driveway; and,
- Any other recommended revisions.

Staff additionally requests the following information be submitted for review with the next preliminary consultation:

- An updated HAWP application form with all relevant project information;
- Building height from first floor to the top of the principal ridge from all elevations;
- An updated streetscape study that reflects the new house placement;
- An updated tree removal and planting plan;
- An updated site plan that shows the new building and setbacks from each wall plane to all confronting property lines; and,

• Landscape plan, including tree replanting on site.

STAFF RECOMMENDATION

Staff recommends that the applicant return for another preliminary consultation.

- 2. The section of fence between the south property line and the rear of the house along Pine Ave. shall be no taller than 48" (forty-eight inches). A revised site plan and fence details shall be submitted to Staff to verify this condition has been satisfied before issuing final approval documents.
- 3. The applicant shall submit a tree impact assessment from the Takoma Park Arborist, if required, or a waiver from the Arborist, if an impact assessment is not required, before Staff is authorized to issue final approval documents;

under the Criteria for Issuance in Chapter 24A-8(b)(1), (2), and (d), having found that the proposal, as modified by the condition, is consistent with the *Takoma Park Historic District Guidelines*, and therefore will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

and with the Secretary of the Interior's Standards for Rehabilitation #2, #9, and #10.

and with the general condition that the applicant shall present an electronic set of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make any alterations to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.

Historic Preservation Commission Preliminary Consultation Report

Address: 9832 and 9838 Capitol View Ave. (Spatial Resource, *Capitol View Park Historic District*) Applicant(s): Michael Winfield and Doug Mader Proposal: New Construction of two single-family houses Staff Contact: Dan Bruechert HPC Commissioners Providing Comments: Robert Sutton (Chair), Karen Burditt (Vice-Chair), Zara Naser, Julie Pelletier, James Doman, Jeff Hains, Marsha Barnes, Mark Clements

Recommendations:

- 1. Virtually all of the HPC raised questions and/or concerns regarding the removal and re-planting of trees on site.
- 2. Reforesting the front third of the property would help preserve the "spatial" character of the site.
- 3. Clearing the front portion of the lots would require the houses to be more compatible with the surrounding streetscape.
- 4. A full tree survey and landscape plan need to be submitted with the HAWP application.
- 5. Several Commissioners had questions about the appropriateness of the placement of both houses under the County Zoning Ordinance and requested confirmation that this is compatible with zoning requirements before returning for a HAWP.
- 6. In questioning, two Commissioners raised the possibility of locating the house on Lot 13 closer to Capitol View Ave. and placing the garage to the rear of the house (in effect, flipping the house plan).
- 7. A majority of the Commissioners found that architectural details were appropriate for the character of the surrounding district.
- 8. A minority opinion expressed a desire for more differentiation between the two houses.
- Many on the HPC found the side setbacks were too small to be compatible with the streetscape and surrounding district and recommended the building design be revised and narrowed before the HAWP submission.
- 10. A majority of the Commissioners found that while the houses were on the large side they were not out of scale with the surrounding district. However, the overall comments about size and

placement will necessitate the houses be reduced and re-sited on the lots to achieve compatibility with the District.

11. A minority opinion indicated that the houses were too large and encouraged either a single home, a duplex, or smaller cottage-style houses.

□ Return for an additional preliminary consultation

Return for a HAWP in accordance with the Commission's recommendations

| | | For Staff only: HAWP# 960660 | | |
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| APPLICANT: | | | | |
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| Daytime Phone: | | Tax Account No.: | | |
| AGENT/CONTACT (if applicable | »): | | | |
| Name: | I | E-mail: | | |
| Address: | | City: | Zip: | |
| Daytime Phone: | | Contractor Registration No.: | | |
| LOCATION OF BUILDING/PREM | IISE: MIHP # of Historic | Property | | |
| Is the Property Located within an | | | | |
| Is there an Historic Preservation/ map of the easement, and docur | /Land Trust/Environmen | tal Easement | | , include a |
| Are other Planning and/or Hearin (Conditional Use, Variance, Reconsupplemental information. | | | | lication? |
| Building Number: | Street: | | | |
| Town/City: | Nearest Cross | Street: | | |
| Lot: Block: | Subdivision: | Parcel | : | |
| TYPE OF WORK PROPOSED: Se for proposed work are submit | tted with this applicat | - | ete Applications will n | ot |
| be accepted for review. Check | all that apply: Deck/Porch | | Shed/Garage/Accessor Solar | y Structure |
| New Construction Addition | Fence | | Tree removal/planting | |
| Demolition | Hardscape/Landsca | ape | Window/Door | |
| Grading/Excavation | Roof | | Other: | |
| I hereby certify that I have the a | | egoing applic | | |
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| agencies and hereby acknowled | lge and accept this to be | a condition f | or the issuance of this p | • |
| Signature of owner of | | | Date | 13 |

Adjacent and Confronting Properties:

Silver Spring, Md 20910

9830 Capitol View Avenue

9838 Capitol View Avenue

9834 Capitol View Avenue

9831 Capitol View Avenue

