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OFFICE OF PLANNING



Office of the Director

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## Memorandum

**TO:** District of Columbia Zoning Commission

**FROM:** Harriet Tregoning, Director *LS for*  
Office of Planning

**DATE:** September 21, 2007

**SUBJECT:** Final Report for Capitol Place - ZC #05-37  
Consolidated Planned Unit Development and Map Amendment

ZONING COMMISSION  
District of Columbia

CASE NO. 05-37

EXHIBIT NO. 94

### APPLICATION

Station Holdings LLC has petitioned the Zoning Commission to approve its request for a Consolidated Planned Unit Development (PUD) and map amendment to construct a new mixed-use building between G, H, 2<sup>nd</sup> and 3<sup>rd</sup> Streets N.E. The site is Square 752, Lots 30, 39, 40, 41, 45, 48, 801, 805, 806, 811, 813, 814, 856 & 857.

### SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the application based on the work done through the mediation process thus far and subject to potential further minor revision and clarification by the mediation team prior to the public hearing. OP will continue to work with the mediation group and ANC 6C prior to the public hearing and anticipates submission of a supplemental report based on further discussions with the project mediator and on the results of the mediation process.

### DESCRIPTION OF THE SITE AND SURROUNDING AREA

The project includes the south side of the 200 block of H Street N.E. and extending along 2<sup>nd</sup> Street to G Street. It is located at the west end of the H Street N.E. corridor at the eastern end of the H Street (Hopscotch) Bridge. The northern portion of the site is currently a surface parking lot. The portion of the site along 2<sup>nd</sup> and G Streets contains existing two- and three-story residential structures. Directly to the north across H Street is the Children's Museum property approved as a PUD by ZC order 04-22. Diagonally across the 3<sup>rd</sup> and H Street intersection is the proposed PUD by Steuart - H Street LLC (ZC #06-01).

The area has been the object of much planning work over the past several years. The H Street N.E. "Revival" Plan and subsequent H Street N.E. Commercial Overlay both incorporated the property. As a part of the zoning overlay much of the property on this site, as well as the property on both sides of the 300 block of H Street was rezoned from C-2-A to C-2-B. The southern half of the site remains zoned C-2-A along with the property along 2<sup>nd</sup> Street to the south. The remainder of the subject square not

incorporated with this application contains two and a half story rowhouses zoned R-4. To the south and east of the site off of H and 2<sup>nd</sup> Streets is an established R-4 rowhouse neighborhood. To the west of the site is the third stage of the Station Place PUD (ZC #01-09) zoned C-3-C.

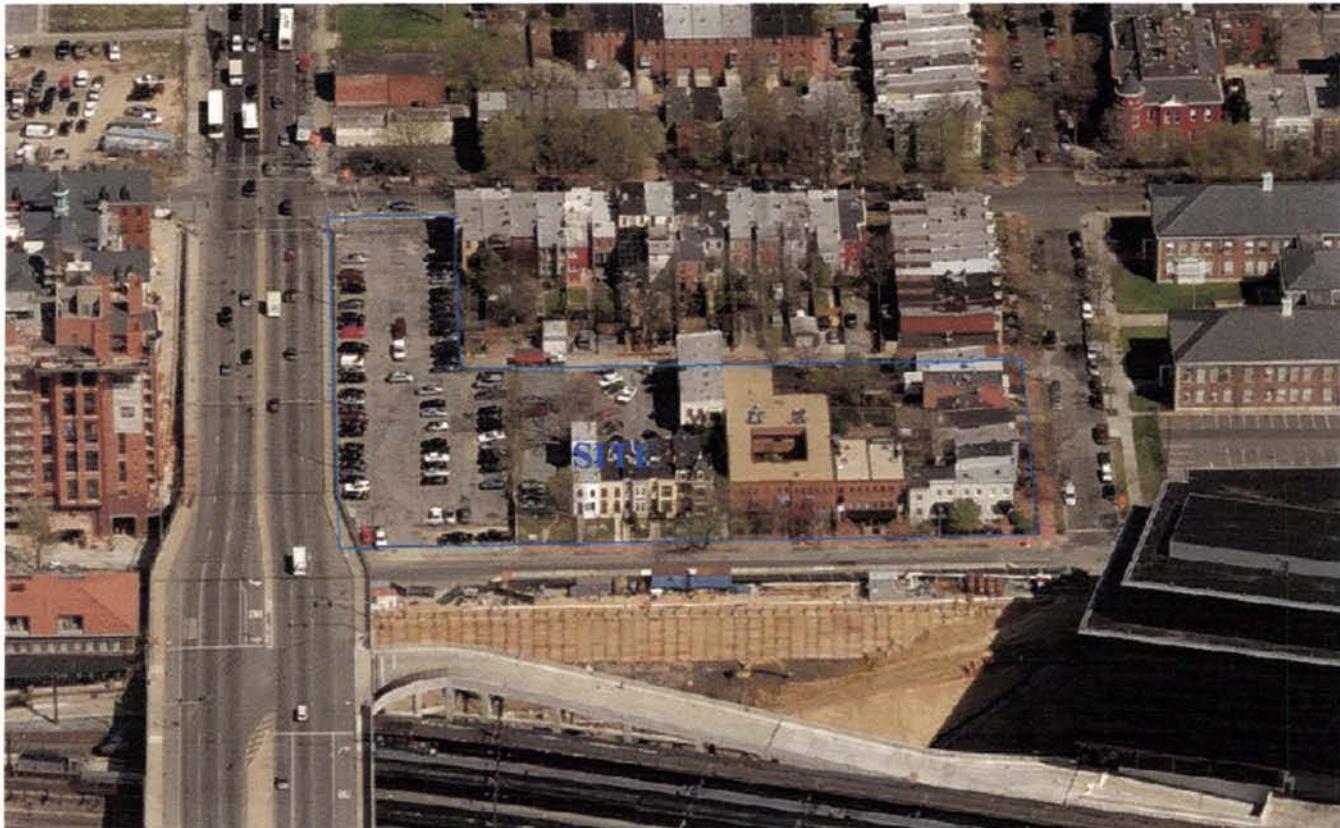


Figure 1: Aerial View Looking East

## BACKGROUND

This application was originally filed in 2005 and set down in April, 2006. The original application included a 432,353 square foot building and proposed amending the zoning on the southern half of the site to make the entire property C-2-B. Based on discussions with OP and the community, the applicant agreed to postpone its original hearing date in July, 2006 in order to refine and improve the proposal.

After working with OP and community representatives throughout the remainder of 2006, the applicant filed a revised plan in January, 2007. The overall density of the building was decreased to 403,194 square feet. Based on community recommendations, the applicant removed mass from the southern portion of the building and increased density in a tower on the northwest corner of the site. This was accompanied by a shift in the requested map amendment. Under this scheme, the southern half of the site would remain C-2-A to prevent a precedent of C-2-B zoning moving to the south. Instead, the plan requested an extension of the C-3-C zoning to the north and west onto the northwest corner of the site in order to allow for the proposed "gateway" tower on the site and to accommodate the extra density requested by the applicant.

The revised proposal was presented to the Zoning Commission in a supplemental filing and setdown on February 12, 2007 for a hearing in May of this year. Based on continued community concerns with the project, both the ANC and OP recommended that the hearing be postponed a second time. OP further recommended that the applicant enter a mediation process with the community. The applicant agreed to both the postponement and mediation.

In May, 2007, OP interviewed and contracted Lee Quill, of Cunningham Quill Architects PLLC, to conduct a mediation process between the applicant team and the community representatives. Karen Wirt of ANC 6C, Drury Tallant of Square 752, Drew Ronneberg of ANC 6A, Gary Peterson of the Capitol Hill Restoration Society, and Monte Edwards of the Stanton Park Neighborhood Association, volunteered to represent their respective organizations in the mediation. Mr. Quill met both individually and collectively with both sides throughout June, July, August, and September of this year. There were multiple work sessions at which community concerns were discussed, focusing mainly on massing and design of the building, as well as issues regarding the H Street Overlay. During this same time period, Mr. Quill also conducted discussions and meetings with residents of Square 752.

During the mediation process, the community agreed generally with the location of density on the site, but disagreed with the rezoning in principle and the total density requested in general. They also continually pushed the applicant to update and improve the design. The applicant has worked steadily to respond to the requests of the mediation group. Throughout the process, the mediation group had direct access to the project architect and worked closely with him. The overall density of the proposed building has dropped by over 42,000 square feet, including 13,000 during the mediation process, and both the massing and the building design have gone through several revisions over the summer. Based on the work of the mediation, the majority of the mediation group and the neighborhood appear to be generally supportive of the direction of the massing and design.

In August of this year, the applicant agreed to a third and final postponement of the public hearing from September 5<sup>th</sup> to October 1<sup>st</sup> in order to accommodate the schedules of the ANCs and community groups and to allow the mediation effort to be completed. As of this report, the mediation group is still conducting meetings in an attempt to reach further areas of consensus and the project will be voted on by ANC 6C at a special meeting being held on September 25<sup>th</sup>. Further meetings are currently planned with the mediation committee and the residents of the square on Saturday, September 22<sup>nd</sup>.

The Office of Planning has participated as a listening member at all of the mediation sessions. It is the understanding of OP that the majority of the mediation group has agreed, in principle, that some rezoning may be acceptable on the site based on a complete analysis of the exceptional conditions associated with this property. It is understood that the group has generally accepted the design and massing of the building along G Street and 2<sup>nd</sup> Street. As of this date, it appears that the outstanding issues to be decided prior to the September 25<sup>th</sup> ANC meeting are final approval of the building design along the H Street wing, and final approval of the overall density to be allowed on the site through the PUD. OP is aware that the list of amenities was not a large part of mediation discussions and that many community members still consider this issue to be in process and not fully resolved at the time of this report.

## **PROPOSAL**

The proposal is to construct a new mixed use condominium building on the site. The original plan requested rezoning the entire site to C-2-B and called for a density of 432,353 square feet. The revised plan has reduced density from the southern half of the site by reshaping massing and removing floors

and has reallocated some density to the northwest corner of the site on 2<sup>nd</sup> and H Streets. The latest version proposes a density of 390,000 square feet and will have a reach a height of 100' at the northwest corner. The proposal would leave the southern half of the site C-2-A and rezone the northwestern corner to C-3-C. Along H Street, the building steps down to 90' for the bulk of the front with further stepdowns to 65' and 55' at the eastern end. The 2<sup>nd</sup> Street bar is now limited to 55' stepping back up to 65' at the G Street corner. Both the G Street frontage and the Garden Terrace drop to 45', with a further step down to 25' on the east side of the Garden Terrace.

The project will still have retail uses on the corner of 3<sup>rd</sup> and H as well as the corner of 2<sup>nd</sup> and G Streets. Retail is limited to 23,000 square feet and only fronting on the streets. Behind the 2<sup>nd</sup> Street retail, the courtyard is activated by exterior-access duplex units. Parking and loading will continue to be accessed from 2<sup>nd</sup> Street.

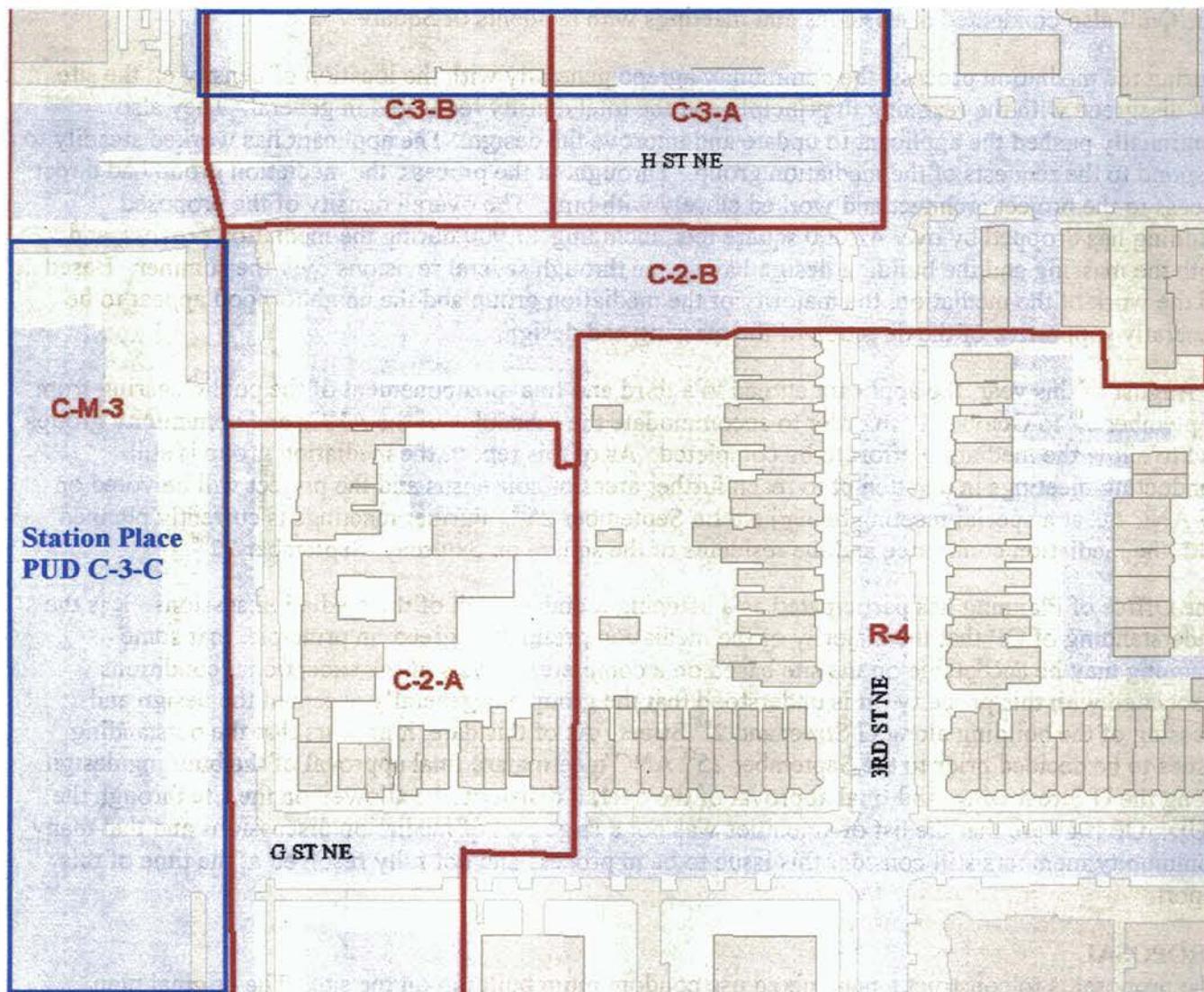


Figure 2: Site Area

## ZONING

The northern half of the site lies in the Housing Sub-Area of the H Street N.E. Commercial Overlay District. The northern half of the site was rezoned to C-2-B in conjunction with the overlay district including all H Street frontage. The remainder of the site was not included in the rezoning and is zoned C-2-A. The applicant is requesting a map amendment to zone the northwestern portion of the site to C-3-C and is utilizing the aggregated PUD standards for all three districts.

The H Street N.E. Commercial Overlay District extends from 2<sup>nd</sup> Street to 17<sup>th</sup> Street N.E. It encompasses the commercial lots fronting on both sides of H Street. The neighborhoods on either side of H Street are mostly R-4 rowhouse neighborhoods. Property to north and west were each the subject of PUD action, Station Place (ZC #01-09) to the west and Senate Square (ZC #04-22) to the north. Both of these projects involved PUD-related map amendments to C-3-C.

## Zoning Tabulation

	Existing Matter of Right	Combined Zone PUD	Proposed
Minimum lot area	N/A	15,000 sf	76,700 sf
FAR	226,194 sf	403,194 sf	Apprx. 390,000 sf
Height	65'	110'	100'
Lot Occupancy	80%	80%	65%
Rear Yard	15'	15'	45'
Parking	117 residential 49 commercial	117 residential 49 commercial	283 residential 40 commercial
Loading	Residential: 1-55 ft berth 1-20 ft space 1-200 sf platform	Residential: 1-55 ft berth 1-20 ft space 1-200 sf platform	Residential: 1-30 ft berth 1-55 ft berth 1-200 sf platform
			Retail: 1-30 ft berth 1-200 sf platform

## FLEXIBILITY

### Overall FAR

The applicants are seeking density above the matter-of-right for the subject zone district. The C-2-A portion allows 2.5 FAR, while the C-2-B district allows a matter of right FAR of 3.5. The proposal is for a 5.0 total FAR.

### Height

The applicants are requesting height above that allowed as a matter-of-right in the subject zone districts. At the highest point in the northwest corner proposed to be C-3-C, the building will reach a zoning height of 100'. The portion of the building in the C-2-B zone will be as high as 90' and the C-2-A portion will be 65'. These heights maximize the flexibility allowed under the PUD guidelines for each zone.

#### Roof Structures

The applicant has requested minor relief from the roof structure requirements, specifically the requirements for a single roof structure, equal wall height, and a one to one setback from exterior walls. The proposed roof structures are the result of discussions with OP and the neighborhood. The proposed roof structures have been lowered as much as possible and pushed to the west to limit visibility from the homeowners to the east.

#### **PUD EVALUATION STANDARDS**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is “designed to encourage high quality developments that provide public benefits.” In order to maximize the use of the site and be as compatible as possible with the surrounding community, the applicant is requesting that the proposal be reviewed as a consolidated PUD. This will allow the utilization of the flexibility stated in Section 2400.2.

*The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number of quality public benefits and that it protects and advances the public health, safety, welfare, and convenience. ”*

The proposed development brings with it a number of qualities that will benefit the public. The project will add over 300 new residential units in the Housing Sub-Area of the H Street N.E. Overlay that calls for additional residential development. The development provides a large amount of ground floor retail, both at the key intersection of 3<sup>rd</sup> and H Street, as well as along the 2<sup>nd</sup> Street corridor. The building will contain ground level neighborhood serving retail that will serve to help solidify and improve the lively H Street retail corridor as well as activate and lighten the 2<sup>nd</sup> Street frontage near the underpass. In addition, the building will provide parking beyond the zoning requirements at nearly a one to one ratio to prevent additional parking impacts on the surrounding neighborhood.

Section 2403 further outlines the standards under which the application is evaluated.

2403.3 *The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.*

The development of the site will contribute to the general improvement of the area, redevelop a currently underused parking lot, and will contribute to the revitalization of the H Street Corridor. City services such as water and sewer are currently available on the site.

#### **PUBLIC BENEFITS AND AMENITIES**

The community benefits appear generally commensurate with the additional FAR and other flexibility requested.

2403.9 *Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional categories:*

- (a) *Urban design, architecture, landscaping, or creation or preservation of open spaces;*
- (b) *Site planning, and efficient and economical land utilization;*
- (c) *Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;*
- (d) *Employment and training opportunities;*
- (f) *Housing and affordable housing;*
- (h) *Environmental benefits, such as stormwater runoff controls and preservation of open space or trees;*
- (i) *Uses of special value to the neighborhood or the District of Columbia as a whole;*

#### **1. Affordable Housing**

The applicant has proposed to provide over 15% of the bonus density granted through the PUD as affordable housing. This would amount to approximately 19 units. The applicant's statement does not address the level of affordability, but OP would recommend that they be offered at 80% AMI or less. Prior to the public hearing, the applicant should provide a distribution of the proposed affordable units.

#### **2. Sustainable Design**

The applicant has proffered LEED Silver Certification for the building including features such as green roofs, landscaped courtyard, storm water capture, recycling of construction debris, reduced energy consumption, and improved indoor air quality. The applicant will escrow money to be released upon certification of the building.

#### **3. Site Design & Safety**

The site has been designed to separately address each of the street frontages. The H Street façade respects and reacts to the neighboring developments on the H Street corridor. It attempts to anchor the 3<sup>rd</sup> and H Street intersection and recognize that this is the entrance into the H Street corridor. The applicant will also be constructing a sidewalk and stairway access between the bridge and 2<sup>nd</sup> Street. The applicant has worked with the Great Streets Initiative to adequately landscape and light the H Street streetscape. The 2<sup>nd</sup> Street frontage will be the main retail location. Care has been taken to locate uses and lighting to encourage a safe environment near the underpass and the stairwell. The G Street frontage has been designed with the input of OP and the neighborhood to step down in response to the neighboring townhouses. In addition, the east portion of this wing has been changed from commercial to residential to better transition from this project to the neighborhood. OP will continue to work with the developer to ensure that the building meets the intent of the H Street design guidelines.

#### **4. Neighborhood Contributions**

The applicants have agreed to provide the surrounding neighborhood with other public amenities. A major amenity proposed is the contribution of funding for an historic properties survey for the area between F, H, 2<sup>nd</sup> and 14<sup>th</sup> Streets. Other contributions include replacing sidewalks on the square along 3<sup>rd</sup> and G Streets in front of the neighboring properties, replacing the fence at the Senior Citizen's Community Center parking lot to the south, providing a construction management plan to limit noise and traffic disturbance to the area, and funding a micro-grant program for historically-consistent repairs and improvements.

#### **5. Alley Easements**

The applicant will provide full public dedication of a 20' alley along the eastern property line and connecting to 3<sup>rd</sup> Street. The alley will not be used by this project for parking or loading, but will be for the use of the townhouses currently on the square. The alley will be brick paved. The applicant has also proffered to install sewer infrastructure in the alley for use by 3<sup>rd</sup> Street residents.

#### *6. First Source Employment Agreement*

The applicant will execute a First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the jobs created by the project.

#### *7. LSDBE*

The applicant will use Local, Small or Disadvantaged Business Enterprises to achieve a minimum of thirty-five percent participation in contracted costs associated with the project.

A draft copy of the final amenity package being negotiated with the ANC and mediation group is attached as Exhibit A.

### **COMPREHENSIVE PLAN AND PUBLIC POLICIES**

The Generalized Land Use Map recommends the subject site for a mix of medium density residential and moderate density commercial uses. The proposed project would be consistent with these designations.

The proposed development also follows the guidance of the 2006 Comprehensive Plan. Many sections of the Plan relate to the type of development proposed for this site:

#### *UD-2.2.8: Large Site Development*

*Ensure that new developments on parcels that are larger than the prevailing neighborhood lot size are carefully integrated with adjacent sites. Structures on such parcels should be broken into smaller, more varied forms, particularly where the prevailing street frontage is characterized by small, older buildings with varying facades.*

The proposed project has several separate forms that attempt to break the project up, not only as a transition to the lower scale residential neighborhood, but also in an attempt to relate the building to three very different street frontages and context areas:

#### *CH-1.1.5: NoMA/Capitol Hill Transition Areas*

*Improve buffering and urban design transitions between the emerging office and high-density residential corridor north of Union Station ("NoMA") and the adjacent row house neighborhoods of Capitol Hill. Use zoning, design guidelines, historic preservation review, and other measures to avoid sharp contrasts in scale and character where high density and moderate density areas abut one another.*

OP has been very conscious of the stark differences from the north and west sides of the site to the south and east sides. Every aspect of the proportionality of this building is designed to create as successful a transition as possible in the very short distance between these two areas.

#### *UD-2.2.2: Areas of Strong Architectural Character*

*Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development within such areas does not need to replicate prevailing architectural styles exactly but should be complementary in form, height, and bulk.*

The architecture of this building does not attempt to replicate the surrounding architectural styles, but does draw its inspiration from its surroundings. OP has supported the community's desire for a more literal approach to the H Street design guidelines.

*UD-2.2.5: Creating Attractive Facades*

*Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.*

The project proposes multiple facades and retail frontages that are handled in very different ways to respond to the surroundings. The retail areas on both H and 2<sup>nd</sup> Streets will be inviting and contribute to, rather than detract from, human interaction on the street.

*UD-1.4.2: (section: Reinforcing Boulevards and Gateways). Create more distinctive and memorable gateways at points of entry to the city, and points of entry to individual neighborhoods and neighborhood centers. Gateways should provide a sense of transition and arrival, and should be designed to make a strong and positive visual impact.*

The main characteristic of the northwest tower on this site is its relationship with the Senate Square project across the bridge. The architecture is designed to address this building and the height and location create a visual "gateway" as one crosses the H Street bridge to create a more inviting entrance into the H Street Corridor.

## **H STREET "REVIVAL" PLAN & OVERLAY**

The proposal is largely consistent with the H Street NE Strategic Development Plan. The Plan calls for development of 6-8 stories in this area with a focus on added residential density. Specifically, the Plan envisioned 500-600 new residential units in the five westernmost blocks of the corridor. The increased density called for in the plan was facilitated by the rezoning of most of the subject parcels in conjunction with the H Street NE Commercial Overlay. The proposal would take advantage of the new density to provide over half of the envisioned residential units as well as ground floor retail uses important for a vibrant streetscape.

The application does call for an increase in height and density at the far northwest corner of the site that was not envisioned in the plan. This portion of the property, which would be zoned C-3-C to accommodate the height and density of this project, is the one of the anchor corner sites of the H Street bridge and vital to the idea of a visual "gateway" entering H Street from the west. The 100' corner tower, completes the idea of a western gateway and relates the C-3-C zoning and height from the projects to both the north and west onto this property to begin the steady transition down to the established neighborhood scale on the far side of the square. This tower and the 90' H Street bar of the proposed building serve not just to tie in the development with the busy and massive bridge and its surroundings, but also as an effective barrier between these uses and the lower, quieter neighborhood to the southeast. Moreover, this site's location as the closest H Street site to the major multi-modal transit hub of Union Station further supports the call for residential density in a way unique to the corridor.

OP believes that the unique characteristics of this site, notably the huge bridge and the incredibly different contexts on each side, call for the design solution proposed. This office does not see this project as a bellwether for future PUD-related map amendments along the H Street Corridor. We strongly believe in the integrity of the H Street Overlay and Plan and support the community's general desire to maintain previously determined height and bulk standards throughout the corridor. OP is committed to all its small area plans and has a vested interest in their continued success.

The mediation process has worked on documents outlining the project's compliance with both the general principles of the plan as well as the specific design guidelines. Draft versions of these documents not yet approved by the mediation team are attached as Exhibits B & C. OP supports the mediation process examining these documents and encourages final revision and approval of these documents by the mediation team.

#### **NOMA PLAN**

The proposal is largely consistent with the NoMA Vision Plan as well. This plan specifically calls out this proposed development map. The plan calls for primarily residential development with ground floor retail uses on the east side of the tracks.

The plan discusses transition projects like this in Section 28. This section promotes sensitive transition from high-density to lower density development through breaking up of buildings and "successful resolution of scale transitions can also be achieved through façade articulation, mitigating the desired higher-density development with good architecture, including quality materials and attention to details. While there are still questions about the sensitivity of the architecture to the surrounding area, the proposed project is well designed to provide a transition from the very high density projects to the north and west. The step down from the tower to a lower 2<sup>nd</sup> Street wing and again to the G Street wing bring the heights around this building down to a neighborhood scale while the use and architecture of the G Street wing move the building very successfully into a row house streetwall.

Finally, the NoMA plan strongly encourages high performance (LEED) buildings and in Section 30 anticipates the tradeoff of increased density for neighborhood amenities through the PUD process.

#### **ANALYSIS**

The applicant is requesting nearly 164,000 square feet of density above matter-of-right development through the PUD process. By retaining the underlying zoning, this project could only attain approximately 333,000 square feet of density on the site. A rezoning of the northwest portion of the site to C-3-C allows not only the higher tower for the formation of an H Street "gateway," but also the nearly 60,000 square feet of additional density necessary to make the project economical for the developer. In consideration for this density, the developer has proffered the significant list of amenities discussed above and attached as Exhibit A, not the least of which is the willingness to participate in a lengthy and interactive process of site and building design.

As stated in the setdown report, OP finds that the amenities offered by this project are commensurate with the additional density being sought. Our main concern throughout the process has been the integrity of the H Street Plan and our other planning documents. The previous sections of this report discuss OP's analysis of the project's conformance with planning documents, but it is also important to lay out in detail why the upzoning proposed, but not contemplated in the plan, is not precedential nor indicative of any willingness on the part of OP to support other upzonings along the H Street corridor.

The following are a list of characteristics of the subject property stated by the applicant to express the uniqueness of the site and its appropriateness for additional density through a limited upzoning. OP supports a finding that this site is unique along the corridor and worthy of special consideration.

1. The Site fronts on the east side of 2<sup>nd</sup> Street, N.E. This street forms the dividing line between the Central Employment Area to the west and the Capitol Hill H Street Corridor to the east. To the west, including the Station Place development immediately across the street, are predominantly office buildings which are up to 130 feet in height and are of a larger scale in a commercial style of architecture. Starting at 2<sup>nd</sup> Street, including this building as redesigned and the Senate Square development across H Street, the buildings are predominantly residential, stepping down in height and of a finer grain. This site is the only place that this immediate transition happens on H Street. It makes this site and this development the western gateway to the H Street corridor, across the street from the approved 110 foot tower at the northeast corner of 2<sup>nd</sup> and H Streets which serves as the other half of the gateway entrance. The rezoning of the corner of the Site to C-3-C provides an opportunity for a complementary tower element creating and marking this important departure from the high density and high-rise character of the Central Employment Area west of 2<sup>nd</sup> Street and the entry to the H Street corridor and neighborhood and reinforcing the goals of the H Street Overlay.

2. The Site is the closest residential/mixed-use site on H Street to the Union Station Metrorail Station, near which the H Street Plan suggests focusing higher density mixed-use activity.

3. The Site is adjacent to the H Street Overpass. As a result of this frontage, the Site along its H Street-northern frontage has a significant grade change (approximately 20 feet) along the H Street roadway from 3<sup>rd</sup> to where the street passes over 2<sup>nd</sup> Street. Thus, although the revised tower element measures 100 feet in height from the 0.0 measuring point on 3<sup>rd</sup> Street, the height of the entire revised H Street frontage will be no more than 90 feet above the slope of H Street and will have only eight stories when viewed from the overpass.

4. The Site is directly across the street from properties to the west (Station Place) and the north (Senate Square) that are already zoned C-3-C. No other property in the H Street Overlay abuts or directly faces any C-3-C zoned lots, much less on two frontages.

5. The rezoning of the Site is structured so that the transition from the C-3-C zone into the neighborhood area happens on this site and not further into the neighborhood. The C-3-C zone is located only at the corner of 2<sup>nd</sup> and H Streets. Within the site, the zoning steps down from the west to the east, approximately mid-block on H Street, to the C-2-B district, which extends to 3rd Street and into the next block. On the 2<sup>nd</sup> Street side of the Site, the C-3-C zone steps down from the north to the south to C-2-A which extends to and across G Street. The C-2-A and C-2-B zones put in place as part of the H Street Overlay are maintained on all sides of the C-3-C-zoned portion of the project. There is no other property facing or abutting the C-3-C zoning.

6. The Site is a large site within the H Street Overlay and is split-zoned, with only the northern portion of the Site being located within the H Street Overlay.

7. The Site, while partially located within the H Street Overlay, also abuts the boundary of the Central Employment Area, which follows the centerline of 2<sup>nd</sup> Street. Only two parcels have these characteristics – the Site and the parcel to the immediate north that is being developed and is

governed by an approved PUD (Senate Square). The Development and Design Guidelines of the H Street Strategic Development Plan call these sites out for Type I or large parcel development. The H Street Strategic Development Plan sets forth that larger sites in single ownership (such as the Site) make higher density, mixed use projects possible and allow a sensitive transition. *"Mixed use developments at this end of the corridor reinforces the concept of Transit-Oriented Development, the District's policy of focusing higher density mixed use activity nodes close to major transportation hubs."* The H Street NE Strategic Development Plan, April, 2003, Page 33. *"Parcels near Union Station with multi-modal connectivity also increases the opportunity for more dense development."* The H Street NE Development & Design Guidelines, April, 2003, Page 2.

#### **AGENCY REFERRALS AND COMMENTS**

OP and the applicant have worked with DDOT to review the site design, loading, and parking. No other agency comments were received on this project.

#### **COMMUNITY COMMENTS**

As discussed, the final ANC review will be conducted on September 25, 2007. OP expects that a final vote will be taken at this meeting and a final recommendation issued to the Zoning Commission. In addition to ANC 6C, other groups have been a part of the community discussions for the past two years including, ANC 6A, Stanton Park Neighborhood Association, Capitol Hill Restoration Society, and the Square 752 property owners. The Capitol Hill Restoration Society voted this week to support the project in its current form.

#### **RECOMMENDATION**

OP believes that the proposed PUD is not inconsistent with the elements of the Comprehensive Plan and recommends that the application be approved. OP notes the great improvements that have been made to the project through the mediation process and the willingness of the applicant to engage the community and address concerns in a productive manner. Depending on the outcome of the mediation and discussions with the project mediator, OP may file a supplemental report prior to the public hearing.

## Exhibit A

### Public Benefits and Project Amenities

The PUD provisions of the Zoning Regulations require the Zoning Commission to evaluate specific public benefits and project amenities of a proposed project. Public benefits are defined as “superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter of right provisions of this title.” 11 DCMR §2403.6. “A project amenity is one type of public benefit, specifically a functional or aesthetic feature of the proposed development, that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors.” 11 DCMR §2403.7. Furthermore, in deciding a PUD application, the Zoning Commission is required to “judge, balance and reconcile the relative value of amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11 DCMR §2403.8.

Public benefits and project amenities may be exhibited in a variety of ways and may overlap with furthering the policies and goals of the Comprehensive Plan. For reference, the Zoning Regulations sets forth categories of benefits and amenities to help identify what these can be. For example, housing in and of itself is identified as an amenity in Section 2403.9(f). For purposes of understanding within which categories the amenities and benefits associated with Capitol Place fall, the amenities and benefits are designated below based on the categories identified in the Zoning Regulations.

The project includes the following public benefits and project amenities:

#### Housing and Affordable Housing (11 DCMR §2403.9(f))

- The project includes approximately 302 residential units.
- The project includes approximately 19 residential units of affordable housing.

#### Environmental Benefits (11 DCMR §2403.9(h))

- LEED Silver Certification for Capitol Place including sustainable design features such as green roofs and terraces, landscape courtyard at the rear of the property, a storm water capture system, recycling of construction debris, reduced energy consumption, and improved indoor air quality through filtered fresh air and use of non-toxic materials.

#### Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Construction of approximately 24,000 square feet devoted to retail use — approximately 9,500 square feet fronting the corner of 3rd and H Streets and approximately 15,000 square feet along 2nd Street to G Street.
- Formal dedication of land to create a straight, twenty-foot wide alley to serve the rear of the townhouses along G and 3rd Streets in Square 752.

- Assuming that all other owners of property that abut the east-west public alley behind the north side of the 200 block of G Street, NE sign an application to close the alley, the Applicant agrees to sign the application and support the proposed closing. The Applicant shall contribute up to a maximum of \$15,000 to beautify the closed alley, including funds for fencing and for grading and seeding the area of the closed public alley.
- Pay for and install sewer infrastructure in the alley to allow connection to future alley structures built by the residents of the 3rd Street townhouses.
- Payment for and installation of improved, more aesthetic fencing along the south side of the H Street Overpass in front of Capitol Place.
- Provide a public stairway and sidewalk from the H Street overpass to 2nd Street on Capitol Place property.
- Funding of two micro-grant programs for the community:
  - \$150,000 (plus an additional 10% for the administrative fee being given to the administrator of the program) for property owners within Squares 752, 753, 777 and 778 to make repairs and improvements to the portions of their homes which are within public space or viewed from public space.
  - \$50,000 for Square 752 property owners to make energy efficient upgrades to their homes.
- Replacement of the sidewalk, curb and gutter along the west side of 3rd Street between H and G Streets.
- Replacement of the chain link fencing around the parking lot in Square 753.
- Installation of brick and granite pavers and improved lighting under the H Street overpass on the east side of 2nd Street for pedestrian circulation and potential market use.
- Implementation of a Construction Management Plan.
- Provide the option for Square 752 property owners to purchase a membership for access to the health club at Capitol Place.
- Provide the option for community residents to rent or purchase parking spaces in Capitol Place garage, subject to availability and with preference being given to Square 752 property owners.
- Contribution of \$150,000 to H Street Main Street.

**Transportation Management Measures (11 DCMR §2403.9(c)).**

- Inclusion of dedicated Zip Car parking space(s) in parking garage.
- Discounted membership for the Zip Car program and issuance of Smartcard metro passes for initial purchasers in the project.

**Employment and Training Opportunities (11 DCMR §2403.9(e)).**

- Commitment to LSDBE and First Source agreements.

## Exhibit B

### Compliance of the Capitol Place Project Section 1320 - H Street Northeast Neighborhood Commercial Overlay District (HS)

The project is in square 752 - H Street Northeast Overlay Housing Sub-district (HS-H) per Section 1320.1

#### 1324 Design Requirements (HS)

##### 1324.1

The design requirement of Section 1324.2 through 1324.16 shall apply to any lot in the HS Overlay District for which a building permit was applied after October 25, 2004

##### 1324.2

Buildings shall be designed and built so that no less than seventy-five (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets.

The majority of the proposed building that fronts H Street is build to the property line. The Tower portion of the H Street frontage is setback 14'-0" to allow for a pedestrian stair connection between 2<sup>nd</sup> and H Streets.

*Note: the DDOT Maintenance easement is 15'-0" off of the property line and DDOT has given verbal permission for the building to be constructed to the property line. The developer has been working with the DC Office of planning to resolve this issue and will continue to review with DDOT.*

The other three streets that the project fronts (2<sup>nd</sup>, 3<sup>rd</sup> and G Streets) all comply with the guideline.

##### 1324.3

New Construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zoning district for residential uses.

Not Applicable to project

##### 1324.4

In C-2 Districts within the HS Overlay District, a seventy percent (70%) residential lot occupancy shall be permitted.

The Project is proposing lot coverage as follows:

C-2-A	61%
C-2-B	83%
<u>C-3-C</u>	64%

Total Site 65%

1324.5

For the purposes of this Section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

1324.6

For the purposes of Section 1324.5, “residential uses” include single-family dwelling, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities.

1324.7

Parking structures with frontage on H Street, N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.

The project is not proposing any parking above grade with frontage on H Street, N.E.

1324.8

Each new building on a lot that fronts on H Street, N.E. shall devote not less than fifty percent (50%) of the surface area of the streetwall (s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.

The portion of the building that fronts H Street N.E., does not comply with the requirement due to the condition that is created as the building abuts the H Street Bridge. As the bridge slopes up, the sidewalk does not meet grade after a distance of approximately twenty feet (20 ft.) The corner of H and 3<sup>rd</sup> Street and the entrance at the Western end of the building will have clear display windows as per the requirement in Section 1324.8 for a distance of approximately forty feet (40 ft.) or approximately twelve percent (12 %) of streetwall.

1324.9

Security grilles shall have no less than seventy percent (70%) transparency

The project will comply

1324.10

Each commercial use with frontage on H Street, N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one primary entrance on H Street directly accessible from the sidewalk.

The project has an entrance to the Apartment Lobby on 2nd Street and another on H Street. There are no commercial uses which face H Street. The commercial use is located at the corner of 3rd and H faces 3rd.

1324.11

Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.

The portion of the building that fronts H Street does not comply due to the condition that is created as the building abuts the bridge. There are two (2) building entrance at both ends of H Street and a stair that connects H Street, N.E. to 2<sup>nd</sup> Street, N.E.

1324.12

The ground floor level of each building addition shall have a uniform minimum clear floor to ceiling height of fourteen feet (14 ft.)

The proposed building has a construction of floor to ceiling at all locations with the following exceptions:

- The retail portion at the corner of 2<sup>nd</sup> / G Street N.E., which has a ceiling height of twelve feet (12 ft.)
- All of the residential units that are located at the ground floor on the project which have a ceiling height of ten feet (10 ft.)

1324.13

Buildings subject to Section 1324.12 shall be permitted an additional five feet (5 ft.) of building height over that permitted in the underlying zone.

The proposed project complies with 1324.13 – but the entire project will be at or below the building height permitted in each of the proposed underlying zone.

1324.14

Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline.

The project will comply

1324.15

Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building.

The project will comply

## Exhibit C

### Compliance of the Capitol Place Project with the H Street Strategic Plan Design Guidelines

This document is divided into Two Sections:

1. Guidelines for which the development does not comply
2. Guidelines for which the development does or intends to comply

The project is a Type I – Large Parcel Development located at 200 H Street, NE

#### 1. Guidelines for which the development does not comply

##### Development guidelines

###### **Building Envelope**

Building Frontage/H Street Max.: 100%

The Tower portion of the H Street frontage is setback 14'-0" to allow for a pedestrian stair connection between 2<sup>nd</sup> and H Streets.

*Note: the DDOT Maintenance easement is 15'-0" off of the property line and DDOT has given verbal permission for the building to be constructed to the property line. The developer has been working with the DC Office of planning to resolve this issue and will continue to review with DDOT.*

*A section of the building that fronts G Street is set back off of the property line for a distance of 8'-8" in order to break down the massing into smaller segments.*

Building Height: 4 to 8 stories

The proposed building is varying heights; the tallest portion is 10 stories at the corner of 2<sup>nd</sup> and H Street. Note: The building is a maximum of 8 stories above the elevation of H Street along the Hopscotch Bridge. The building is within the 4-8 story guideline on the portions fronting 2<sup>nd</sup> Street, 3<sup>rd</sup> Street and G Street.

##### Architecture Standards

###### **Storefronts**

###### *Storefront Windows*

1. Garage, security and service doors shall not face a street.

The proposed building has service doors for loading and parking entry/exit located directly off of 2<sup>nd</sup> Street.

*Note: The project fronts on four streets and an alley in the middle of the square. The project will not use the alley for services at the request of the community.*

#### ***Storefront Materials***

1. Solid “security” doors with no opacity shall not be located on H Street or Side Street elevations.

*Note: All services for proposed building are off of street frontages in order to avoid any services off of the alley)*

#### ***Windows and Doors***

1. Doors are intended to be located appropriately -service doors, for instance are not permitted on a frontage.

*Note: All services for proposed building are off of street frontage in order to avoid services off of the alley.*

## **2. Guidelines for which the development does or intends to comply**

#### **Development guidelines**

##### ***Building Envelope (See Section 1 for non compliance)***

Building Frontage/Side Street Max.	100%
Side Setback Max.	0'
Side Street Setback Max.	0'

##### ***Parking Areas***

Front	Not Permitted
Side	Not Permitted
Rear	Permitted (none)
Below Grade	Permitted

##### ***Encroachments***

Projection over ROW permitted	
Above the sidewalk beginning at 8' above grade. Max.	6'

#### **Architecture Standards**

##### ***Storefronts***

###### ***Storefront Configuration***

1. Windows and doors of commercial establishment should occupy no less than 60% of total storefront. (Note: where storefronts can exist)
2. Windows should be set a maximum of 18 inches above the ground and within 12 inches of the finished ceiling. (Note: where storefronts can exist)
3. Transom windows should be encouraged above doors and storefronts.
4. Black glass, opaque glass and other “false window” techniques are prohibited.
5. Wire mesh security grilles shall be mounted on the inside of buildings.

#### *Storefront Materials*

6. Storefronts may be made of brick, wood, metal or glass, or a combination of these materials.
7. Windows and doors of commercial enterprises may be made of wood (left natural or painted) or aluminum. Aluminum windows and doors may be finished with electrostatic paint.
8. Windows and doors of commercial enterprises shall use clear (not frosted, textured or otherwise affected) glass providing an unobstructed view into the store of no less than 12 feet.
9. Doors which are part of the storefront shall be more than 50% clear glass.

#### *Storefront Finishes*

10. Brick storefronts may be left unpainted or may be painted any high gloss color.
11. Wood storefronts may be left natural or painted any high gloss color.
12. Metal storefronts may be left natural or may be finished in any high gloss color.
13. One trim color may be used in addition to the principal color of the storefront system.

#### **Windows and Doors**

##### *Intent*

1. Windows should be operable and be set into window opening a minimum of 2 inches to provide a shadow line and express the depth of the building.

#### *Window & Door Configurations*

2. A window or door “opening” consists of the rough masonry opening or rough wall opening into which the window or door is placed. All window and door openings shall be vertical in proportion, and any subsequent divisions of openings (lites, sashes, etc.) shall also be in the configuration of vertically oriented rectangles.
3. Vertically-oriented rectangular windows may be grouped or “ganged” in a horizontal opening whose length does not exceed twice its height.
4. Windows and doors shall be located no less than 24 inches from building corners.

#### *Window & Door Materials*

5. Window frames may be wood or metal.
6. Doors may be wood, glass or steel.
7. Doors on a front or side of a building shall have raised panels or glass, and door operating hardware (handset or leversets) on the outside of the door.

8. Brick facades shall have openings with lintels and sills made of brick, stone or concrete at all windows and doors except the storefront.
9. Masonry buildings with a stucco finish shall have stone or concrete sills, and are not required to express a lintel at window and door openings. (Proposed building does not have a stucco finish)
10. Buildings with metal, glass, concrete or stone panels are not required to express lintels or sills at window openings.

#### *Window and Door Finishes*

11. Window and window lites shall be clear glass. Black glass, “spandrel glass” or other “false window” techniques are prohibited.
12. Windows and doors, frames may be painted any color that is consistent with the design of the building.
13. Visible window and door hardware shall be metal and remain unfinished.

#### **Awnings and Canopies**

##### *Design Standard for Awnings*

1. Awnings shall be permitted to encroach over the sidewalk.
2. Awnings may be mounted inside window frames or above windows, below transoms.
3. Awnings shall be permitted on any building, beginning at a height of 8 feet above the sidewalk. No portion of the awning shall drop below a height of 7 feet above the sidewalk.
4. Awnings shall be triangular in section. Awnings shall not have a panel on the underside.
5. The internal structure of awnings shall be metal. Awnings shall be made of canvas or solution-dyed acrylic fabric.
6. Awnings may have lettering/icons on the valance only.
7. Awnings shall not be internally illuminated, but may be lighted from above by shrouded fixtures mounted to the building wall.

##### *Design Standard for Canopies*

8. Canopies shall be permitted to encroach over the sidewalk.
9. Canopies shall be permitted on any building, beginning at a height of 8 feet above the sidewalk. No portion of the awning shall drop below a height of 7 feet above the sidewalk.
10. Canopies shall be triangular in section. Awnings may have side panels, but shall not have a panel on the underside.
11. Canopies may have lettering/icons on the valance only.
12. Lettering may be applied to the edges of canopies, or may be placed on top of the canopy at its front edge.
13. Canopies may not be internally illuminated.
14. Canopies shall be made of canvas or solution-dyed acrylic fabric.
15. Canopies shall be made of wood, metal or glass.

#### **Walls**

1. All elevations visible from the public realm shall be designed as “fronts”. Buildings occupying corner lots have two frontages and shall treat both visible elevations with equal attention.
2. Blank walls or blind facades are not permitted.
3. Every building shall clearly express a base, a body and a top.
  - a. Transitions from base to body shall be made in one of two ways:
    - Horizontally, through a shift in vertical plane toward the interior, or
    - Vertically, through a change in building materials or the use of trim along a level line.
  - b. Transitions from body to top shall be made in one of two ways:
    - Horizontally, through a shift in vertical plane toward the exterior, or
    - Vertically, through a change in building materials or the use of trim along a level line.
4. Walls may be finished in brick, stucco, metal or lightweight concrete panels, or architectural glass panels. More than one material may be used. Transitions in wall materials must occur along all visible sides of a building, and shall always follow a horizontal and level line.

## **Roofs, Parapets & Cornices**

### *Design Standard for Roofs*

1. Building roofs shall be flat.
2. Other roof shapes (hips, gables, domes) may be used on one portion of a building, not to exceed 500 square feet in plan. (Proposed building does not have hips, gables or domes)
3. Flat roofs may be constructed of any material (permitted by all applicable building codes), while other roof shapes shall be finished in metal or natural slate tiles.
4. Flat roofs shall include a parapet above the roof facing any front or side street. *Refer to Standards for Parapets.*
5. Any equipment placed on a building roof shall be screened by parapet walls or other devices rendering the equipment invisible from the street.
6. Roofs extending beyond the building wall and are highly visible from below shall have a finished, decorative soffit.

### *Design Standard for Parapets*

7. Parapets shall be made of an approved wall material and may be covered by an elaborated cornice of an approved material and configuration. *Refer to Standards for Cornices.*
8. Parapets shall be a minimum of 18" high, measured from the highest point of the finished roof.

### *Design Standard for Cornices*

9. Cornices shall be made of brick, stone, precast concrete, wood or synthetic material (Fypon or equal) meant to appear like wood. (Note: cornices are optional).
10. Cornices shall be located at or very near the top of the building, in keeping with local historical vernacular. (Note: cornices are optional).