

## REPORT TO THE ZONING COMMISSION

**CASE NO. 05-37  
CAPITOL PLACE  
2<sup>nd</sup>, 3<sup>rd</sup>, G AND H STREETS, N.E.**

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**OCTOBER 1, 2007**

- I. Introduction
- II. Nature of applications
  - A. Consolidated review of planned unit development
  - B. Map amendment for a portion of the property from C-2-A and C-2-B to C-3-C
- III. Site location
  - A. Western half of the block bounded by 2<sup>nd</sup>, 3<sup>rd</sup>, G and H Streets, N.E., extending for the full width of the square on the H Street frontage to the corner of 3<sup>rd</sup> Street, N.E.
  - B. West end of the H Street Corridor
- IV. Site description
  - A. Irregularly shaped property described as two rectangles occupying the western portion of the square along 2<sup>nd</sup> Street and the northern portion of the square along H Street (Square 752, lots 32 (2001 - 2003), 39 - 41, 45, 48, 801, 804 - 806, 811, 813, 814, 856 and 857)
  - B. Contains approximately 76,713 square feet of land area
  - C. Has frontage of approximately 165 feet on G Street, 380 feet on 2<sup>nd</sup> Street, 329 feet on H Street and 70 feet on 3<sup>rd</sup> Street
  - D. Has frontage on existing 10 foot wide north-south alley in center of square that runs north from G Street but does not extend to H Street
    - 1. Alley has two 90° turns

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2. Applicant proposes to dedicate 10 feet on the east side of the alley at the south end and the west side on the remainder to establish a 20 foot wide alley straight through

E. Existing conditions:

1. Parking lot at the north end of the site
2. 2 and 3 story row structures devoted to commercial (office) purposes at 200-216 G Street (north side of G Street between 2<sup>nd</sup> Street and the alley)
3. 2 and 3 story connected structures devoted to commercial (office) purposes at 717-729 2<sup>nd</sup> Street (east side of 2<sup>nd</sup> Street north of G Street)

F. Abutting streets:

1. 2<sup>nd</sup> Street – 90 feet wide
2. 3<sup>rd</sup> Street – 90 feet wide
3. G Street – 90 feet wide
4. H Street – 90 feet wide in an overpass that rises beginning west of 3<sup>rd</sup> Street and crosses over 2<sup>nd</sup> Street

G. Topography

1. High point of site is at northeast corner (approximate elevation 43)
2. Low point is at northwest corner (approximate elevation 32; more than ten feet lower than the measuring point)
3. Corner of 2<sup>nd</sup> and G Street is at approximate elevation 35 (8.5 feet lower than the measuring point)
4. Corner of G Street and the alley is at approximate elevation 36
5. Overpass crosses 2<sup>nd</sup> Street approximately 30 feet over the street (approximately 20 feet higher than the elevation at 3<sup>rd</sup> Street)

V. Description of the surrounding area

- A. General area: H Street corridor contains commercial uses along the frontage with residential uses behind to the north and south
- B. Remainder of Square 752: rowhouses fronting on 3<sup>rd</sup> and G Streets

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C. To the north:

1. H Street overpass
2. New residential development known as Senate Square under construction in the entire square bounded by H, I, 2<sup>nd</sup> and 3<sup>rd</sup> Streets – PUD approved for approximately 500 apartment units in new buildings rising to a maximum height of 110 feet and in the preserved building of the former convent and Capital Children's Museum
3. Railway Express building at 900 2<sup>nd</sup> Street
4. Large vacant site in the block bounded by 3<sup>rd</sup>, 4<sup>th</sup> H and I Streets
5. Residential rowhouse and apartment buildings further to the north
6. Industrial use buildings mixed in

D. To the east:

1. One, two and three story commercial buildings fronting on H Street
2. Predominantly residential rowhouses with some small apartment buildings south of H Street

E. To the south:

1. 2 story former public school building still used by the Board of Education on south side of G Street
2. One story miscellaneous building owned by D.C. Government
3. Commercial rowhouse structures fronting on the east side of 2<sup>nd</sup> Street
4. Rowhouse and apartment residential uses to the east of the 2<sup>nd</sup> Street frontage
5. Further to the south and west, Union Station and the Capitol grounds and buildings

F. To the west:

1. H Street overpass over the rail yards
2. Station Place office development

3. Rail yards north of Union Station
4. Union Station parking garage

## VI. Zoning

### A. Existing zoning:

1. Existing zoning: C-2-A (42,269 square feet)
  - a) General commercial district, permitting a broad range of retail, service and office uses, hotels, residential uses (single and multi-family) and many institutional uses
  - b) Maximum height: 50 feet
  - c) Maximum FAR: 2.5, of which no more than 1.5 may be for other than residential purposes
  - d) Maximum percentage of lot occupancy for residential use: 60%
  - e) Side yards: not required
  - f) Minimum rear yard: 15 feet
  - g) Off-street parking:
    - (1) For retail or service use: 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet
    - (2) For residential use: 1 space for each 3 dwelling units
  - h) PUD guidelines
    - (1) Height: 65 feet
    - (2) FAR: 3.0, of which no more than 2.0 may be for commercial uses
    - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
    - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

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2. C-2-B (34,444 square feet)

- a) General commercial district, permitting a broad range of retail, service and office uses, hotels, residential uses (single and multi-family) and many institutional uses
- b) Maximum height: 65 feet
- c) Maximum FAR: 3.5, of which no more than 1.5 may be for other than residential purposes
- d) Maximum percentage of lot occupancy: 80%
- e) Side yards: not required
- f) Minimum rear yard: 15 feet
- g) Off-street parking:
  - (1) For retail or service use: 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet
  - (2) For residential use: 1 space for each 3 dwelling units
- h) PUD guidelines
  - (1) Height: 90 feet
  - (2) FAR: 6.0, of which no more than 2.0 may be for commercial uses
  - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
  - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

3. H Street (HS) Neighborhood Commercial Overlay District (applicable to C-2-B only)

- a) In the Housing Sub-district (HS-H)
- b) Designated retail and service uses must occupy no less than 50% of the gross floor area of the ground level

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- c) No driveways from H Street and no drive-throughs
- d) FAR for non-residential uses limited to 0.5
- e) Design requirements applicable to the streetwall, glass, entrances and clear height on the ground level
- f) Lot occupancy allowed up to 70%
- g) Special provisions for PUDs
  - (1) Additional height and FAR only for housing or preferred uses
  - (2) No reduction of requirements for preferred uses
  - (3) Minimum area of 10,000 square feet

B. Proposed zoning:

- 1. C-3-C for the corner of 2<sup>nd</sup> and H Streets (approximately 27,897 square feet)
  - a) General commercial district permitting almost all retail, service and office uses, as well as hotel, residential and institutional uses
  - b) Maximum height: 90 feet
  - c) Maximum FAR: 6.5
  - d) Maximum percentage of lot occupancy for residential building: 100%
  - e) Minimum residential recreation space: 10% of the gross floor area devoted to residential use
  - f) Minimum rear yard – 2½ inches per foot of height at the rear
  - g) Side yard – not required
  - h) Minimum required parking:
    - (1) For retail use: 1 space for 750 square feet in excess of 3,000 square feet of gross floor area
    - (2) For apartments: 1 space for each 4 dwelling units

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- i) PUD guidelines for C-3-C
  - (1) Height: 130 feet
  - (2) FAR: 8.0
  - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
  - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
- 2. C-2-A remains for the frontage along 2<sup>nd</sup> Street south to G Street (37,636 square feet)
- 3. C-2-B remains for the frontage along H Street east to 3<sup>rd</sup> Street (11,190 square feet)

C. History

- 1. In 1958, property along H Street to a depth of 70 feet along 3<sup>rd</sup> Street and 100 feet along 2<sup>nd</sup> Street was zoned C-2 and the remainder was zoned R-4
- 2. In 1967, C-2 portion was redesignated C-2-A
- 3. In 1967, 2<sup>nd</sup> Street frontage to G Street was rezoned to C-1
- 4. In 1988, PUD and map amendment from C-1 and C-2-A to C-2-B was approved for mixed use office, retail and residential building at 3.67 FAR and a maximum of 82.5 feet (extended and expired without construction in 1993) (Case No. 88-8C, Order No. 591, October 17, 1988, effective December 2, 1988)
- 5. In 1997, C-1 frontage on 2<sup>nd</sup> Street was rezoned to C-2-A (Case No. 95-4, Order No. 821, August 4, 1997, effective September 26, 1997)
- 6. In 2006, as part of the H Street Neighborhood Commercial Overlay District case, lot fronting on H Street was rezoned to C-2-B (Case No. 04-27, January 9, 2006, effective March 10, 2006)

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**D. Zoning of the area**

1. To the west:

- a) C-3-C for the Station Place PUD
- b) C-M-3 for Union Station and the rail yards
- c) C-3-C in the North Capitol Receiving Zone west of 1<sup>st</sup> Street
- d) R-4 for the west side of 3<sup>rd</sup> Street

2. To the north:

- a) C-3-C for the Senate Square project
- b) C-M-3 for the rail yards north of H Street
- c) R-4, C-2-B, C-M-1 and C-M-3 further to the north

3. To the east:

- a) C-2-A, C-2-B and C-2-C along H Street east of 3<sup>rd</sup> Street
- b) R-4 for the area north of the H Street frontage

4. To the south:

- a) C-2-A for the east side of 2<sup>nd</sup> Street
- b) R-4 for the area east of the 2<sup>nd</sup> Street frontage
- c) CAP/R-4 south of F Street

**E. PUDs in the area fronting on H Street**

- 1. Station Place, located on the west side of 2<sup>nd</sup> Street between F and H Streets, 3 phase office building with a maximum height of 115.5 feet and a maximum FAR of 5.9 and rezoning from C-M-3 to C-3-C (Case No. 01-09C, Order No. 955, February 11, 2002, effective April 5, 2002)
- 2. Senate Square, located in the square bounded by H, I, 2<sup>nd</sup> and 3<sup>rd</sup> Streets, 465-500 unit apartment house, with a maximum height of 110 feet and a maximum FAR of 5.72 and rezoning from C-3-A and C-3-B to C-3-C (Case No. 04-22, March 24, 2005, effective May 6, 2005)

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3. 3<sup>rd</sup> and H Street (Steuart), located on the north side of H Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets, 210-250 unit apartment house with approximately 60,000 square feet of retail (including a grocery store), with a maximum height of 90 feet and a maximum FAR of 5.00 with rezoning of a portion of the site from C-2-A to C-2-B ( Case No. 06-01, December 12, 2006, no order issued yet)

VII. Description of the proposed project

A. Apartment house with ground floor retail

B. Height:

1. Maximum of 100 feet (10 stories) at the corner of 2<sup>nd</sup> and H Streets (plus roof structure and architectural tower element up to 118 feet, 6 inches)
2. Given the change in the grade of the overpass, building is not more than 90 feet above the overpass
3. Height steps down to the east to 90 feet (9 stories, 8 stories from the overpass), 80 feet, 65 feet and 55 feet at the corner of 3<sup>rd</sup> and H Streets
4. Height drops down along 2<sup>nd</sup> Street to 55 feet (6 stories) and then up to 65 feet (7 stories) at the corner of G Street
5. Along G Street, height steps down from 65 feet at the corner of 2<sup>nd</sup> Street to 45 feet adjacent to the alley

C. Floor area ratio: 5.07 (389,101 square feet of gross floor area)

1. 363,324 square feet of residential (approximately 300 units)
2. 23,434 square feet of retail on the ground level at the corner of 3<sup>rd</sup> and H Streets and along the 2<sup>nd</sup> Street frontage
3. 2,343 square feet of office on the 2<sup>nd</sup> floor where the building abuts the sidewalk on the H Street overpass, adjacent to an entrance to the building

- D. Parking: 378 total spaces in underground garage
  - 1. 40 retail spaces
  - 2. 278 residential spaces complying with the access requirements of the Regulations (approximate ratio of 0.9 spaces per unit)
  - 3. Additional 60 tandem residential spaces
- E. Comparison to matter-of-right and PUD standards for proposed zoning
  - 1. Uses: apartments, retail and service and office uses permitted as a matter-of-right in all zones
  - 2. Height:
    - a) Matter-of-right:
      - (1) C-2-A: 50 feet
      - (2) C-2-B: 65 feet
      - (3) C-3-C: 90 feet
    - b) PUD guideline:
      - (1) C-2-A: 65 feet
      - (2) C-2-B: 90 feet
      - (3) C-3-C: 130 feet (limited by the Act of 1910 to 110 feet)
    - c) Proposed: maximum of 100 feet as described above
  - 3. FAR:
    - a) Matter-of-right:
      - (1) C-2-A: maximum of 2.5, of which no more than 1.5 may be nonresidential
      - (2) C-2-B: maximum of 3.5, of which no more than 1.5 may be nonresidential
      - (3) C-3-C: maximum of 6.5

- (4) Aggregate FAR for site: 4.10 (approximately 314,561 square feet of gross floor area)
- b) PUD:
  - (1) C-2-A: maximum of 3.0, of which no more than 2.0 may be nonresidential
  - (2) C-2-B: maximum of 6.0, of which no more than 2.0 may be nonresidential
  - (3) C-3-C: maximum of 8.0
  - (4) Aggregate FAR for site: 5.26 (approximately 403,194 square feet of gross floor area)
- c) Proposed: 5.07 (approximately 389,101 square feet of gross floor area)

4. Proposed total gross floor area of 389,101 square feet is approximately 163,000 square feet more than permitted under the existing matter-of-right zoning and the retail and office square footage is approximately 55,000 square feet less than the commercial density permitted under the existing matter-of-right zoning

## VIII. Compliance with PUD evaluation standards of §2403

- A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)
  - 1. Replacing parking lot and small scale office buildings vacant site with approximately 300 new residential units and 25,000 of retail in compliance with H Street Strategic Development Plan
  - 2. Proposed height is acceptable given the context (roadway ramps and higher height to the west, lower height to the east) and the step-downs in the design
  - 3. Proposed design has architectural elements which reflect the individual nature of the four surrounding street frontages and reduce the perceived bulk
  - 4. Traffic will have no unacceptable impact on levels of service at build-out, per report by Wells & Associates

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5. Tax base implications for District are favorable, per report by Boland Smart
- B. Project is not inconsistent with the Comprehensive Plan (§2403.4): see section IX, below
- C. Commission shall “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects” (§2403.8)
- D. Public benefits and project amenities
  1. On-site benefits and amenities
    - a) Housing (approximately 300 units)
    - b) Affordable housing (15% of increase in residential density from existing matter-of-right = 20,570 square feet)
    - c) Total retail space of approximately 26,000 square feet
    - d) Environmental benefits – LEED Silver Certification
    - e) Replacement of the fence along the H Street overpass
    - f) Construction of a stair leading from the overpass to 2<sup>nd</sup> Street
    - g) Provision of 2 car sharing spaces in the garage
    - h) Underwriting Metro SmartCards and participation in car-sharing program for initial occupants of units in the building
    - i) 85 bicycle parking spaces
    - j) Urban design and architecture
    - k) On-site open and recreational space in form of lower level plazas and roof decks and pool for residents of the building
  2. Community benefits:
    - a) Improvements to alley system in square for benefit of surrounding residents
      - (1) Proposed dedication of an additional ten feet of width to make the north-south alley 20 feet wide all the way through

- (2) \$15,000 assistance to residents adjoining the east-west alley to improve the current condition
- b) Special features for residents of Square 752
  - (1) \$150,000 microgrant program, administered by the Capitol Hill Restoration Society, for owners of property in subject square and three abutting squares to make improvements to the portions of homes facing public space
  - (2) \$50,000 microgrant program, administered by the Capitol Hill Restoration Society, for owners of property in subject square to make energy efficient upgrades to their homes
  - (3) Replacement of sidewalk, curb and gutter along 3<sup>rd</sup> and G Streets
  - (4) Option to purchase membership in the health club
  - (5) Preference option to rent available excess parking spaces in the garage
- c) Replacement of the chain link fence around the parking lot on the school property on the south side of G Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets
- d) Improvement to the public space along 2<sup>nd</sup> Street under the H Street overpass
- e) Contribution of \$150000 to H Street Main Street for a Clean and Safe program or H Street facade improvements
- f) Construction management plan
- g) Employment and training opportunities through First Source and LSDBE programs

3. Mitigation for loss of potentially eligible historic resources (not now landmarks or in a historic district)

- a) Fund a professional survey of a 26 block area for inclusion of a possible future expansion of the Capitol Hill Historic District
- b) Survey and document the potentially eligible structures on the site to be demolished

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balanced against

E. Development incentives:

1. Varying increases in height over proposed matter-of-right
2. Increase in residential density by approximately 163,000 square feet over current matter-of-right and 74,000 square feet over proposed matter-of-right
3. Decrease in commercial density by about 55,000 square feet from current matter-of-right and 218,000 square feet from proposed matter-of-right

F. Areas of flexibility from C-2-A, HS/C-2-B, C-3-C or PUD standards:

1. Roof structure relief
  - a) Walls of unequal height
  - b) Setback for portions of the penthouses
2. H Street Overlay criteria
  - a) Lot occupancy
    - (1) Blended percentage permitted (based on 60% for C-2-A, 80% for C-2-B and 100% for C-2-A): 77%
    - (2) Blended percentage permitted (based on 60% for C-2-A, 70% for C-2-B and 100% for C-2-A): 76%
    - (3) Provided:
      - (a) C-2-A: 76%
      - (b) C-2-B: 83%
      - (c) C-3-C: 65%
      - (d) Blended total: 73%
  - b) Streetwall
    - (1) Required: 75% of streetwall along H Street must be on the property line
    - (2) Provided: 55%, because of overpass conditions

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c) Windows and entrances

- (1) Required: minimum of 50% of surface area on the ground level to be devoted to display windows and entrances to the building
- (2) Provided: approximately 12% of total streetwall along H Street, because of change in grade; a portion of the wall along H Street meets the requirement

d) Building entrances

- (1) Required: on average, one every 40 feet (8 for a frontage of approximately 329 feet)
- (2) Provided: 1, because of grade change resulting from overpass

e) Clear height on first floor

- (1) Required: 14 feet
- (2) Provided: retail portion at 2<sup>nd</sup> and G Street is 12 feet and residential units are 10 feet

IX. Consistency with the Comprehensive Plan - The District Elements - The Comprehensive Plan Amendment Act of 2006 (D.C. Law 16-300, March 8, 2007)

A. Framework element – guiding principles

1. Managing growth and change

- a) "Change in the District is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness." (§2.3, ¶217.1)
- b) "Diversity also means maintaining and enhancing the District's mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples." (§2.3, ¶217.3)
- c) "The District needs both residential and non-residential growth to survive. Non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income." (§2.3, ¶217.4)

- d) "Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs." (§2.3, ¶217.6)
- e) "Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality." (§2.3, ¶217.7)

2. Creating successful neighborhoods

- a) "The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess' social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced." (§2.3, ¶218.1)
- b) "Many neighborhoods include commercial and institutional uses that contribute to their character. Neighborhood businesses, retail districts, schools, park and recreational facilities, houses of worship, and other public facilities all make our communities more livable. These uses provide strong centers that reinforce neighborhood identity and provided destinations and services for residents. That too must be protected and stabilized." (§2.3, ¶218.2)
- c) "The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively." (§2.3, ¶218.3)

3. Increasing access to education and employment

"An economically strong and viable District of Columbia is essential to the economic health and well being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District's economic development strategies must capitalize on the city's location at the center of the region's transportation and communication systems." (§2.3, ¶219.2)

4. Building green and healthy communities

- a) "As the nation's capital, the District should be a role model for environmental sustainability. Building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment." (§2.3, ¶221.3)
- b) "Planning decisions should improve the health of District residents by reducing exposure to hazardous materials, improving the quality of surface and groundwater, and encouraging land use patterns and land uses that reduce air pollution and facilitate pedestrian and bicycle travel." (§2.3, ¶221.4)

B. Framework element – the Land Use Maps

1. The Generalized Policy Map purpose "is to categorize how different parts of the District may change between 2005 and 2025" (§2.4, ¶223)
2. Includes subject property in Main Street Mixed Use Corridor, described as follows:

"These are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14<sup>th</sup> Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment." (§2.4.1, ¶223.14)

3. The Future Land Use Map – includes property in mixed-use medium density residential/moderate density commercial/local public facilities category
  - a) Medium density residential:

"This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use." (§2.4.2, ¶224.8)
  - b) Moderate density commercial:

"This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area." (§2.4.2, ¶224.12)
  - c) Mixed use categories:
    - (1) Areas where the mixing of two or more land uses is encouraged
    - (2) Generally applied to "commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing." (§2.4.2, ¶224.21)
    - (3) "Residential uses are permitted in all of the commercial zones, however, so many Mixed Use areas may have commercial zoning." (§2.4.2, ¶224.23)
4. Maps are intended to provide generalized guides for development and conservation decisions (§2.4.2, ¶224.24)
  - a) Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards
  - b) By definition Map is to be interpreted broadly
  - c) Future Land Use Map is generalized depiction of intended uses in the 20 year horizon

- d) Densities within any given area are across-the-board; individual buildings may be higher or lower
- e) Density bonuses through PUDs may result in heights that exceed typical ranges
- f) Zoning is guided by the Future Land Use, Map, interpreted in conjunction with the text of the Plan, including citywide elements, area elements and approved small area plans

C. Land Use element

1. Overall goal:

"Ensure the efficient use of land resources to meet long-term neighborhood, city-wide, and regional needs: to help foster other District goals, to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries." (¶302.1)

2. Policies and Actions – Transit-Oriented and Corridor Development

- a) "Fully capitalizing on the investment made in Metrorail requires better use of land around transit stations and along transit corridors. While many of the District's 40 Metrorail stations epitomize the concept of a "transit village," with pedestrian-oriented commercial and residential development of varying scales, others do not. Some stations continue to be surrounded by large surface parking lots and auto-oriented commercial uses." (¶306.2)
- b) "Much of the city's planning during the last five years has focused on making better use of transit station areas. ... One objective of these initiatives has been to strengthen transit stations as neighborhood centers and attract new investment to struggling business districts. Another important objective has been to accommodate the growth of the city in a way that minimizes the number and length of auto trips generated, and to reduce household expense on transportation by providing options for "car-free" (or one car) living." (¶306.3)

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- c) The principles in the management of land around Metrorail stations note a preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses. A preference for attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking is also stated. (¶306.4)
- d) "Station area development policies must respond to the unique needs of each community and the unique setting of each station." (¶306.5)
- e) "The reach of transit-oriented development around any given station or along a high volume transit corridor should vary depending on neighborhood context. While 1/4 to 1/2 mile is generally used across the country to define the walkable radius around each station, and therefore the area in which higher densities may accommodate growth without increased traffic congestion, applying a uniform radius is not appropriate in the District. The established character and scale of the neighborhood surrounding the station should be considered, as should factors such as topography, demographics, and the station's capacity to support new transit riders. Many stations abut historic or stable low density neighborhoods. Similarly, many of the city's priority transit corridors transition to single family homes or row houses just one-half block to less off the street itself." (¶306.7)
- f) "To avoid adverse effects on low and moderate density neighborhoods, most transit-oriented development should be accommodated on commercially zoned land. Possible rezoning of such land in a manner that is consistent with the Future Land Use Map and related corridor plans should be considered. Current zoning already expresses a preference for the use of such land for housing by permitting more density for mixed use projects than for projects with commercial use alone." (¶306.8)

g) Policies

(1) Policy LU-1.3.1 Stations Areas as Neighborhood Centers

"Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station is unique and must be treated as such in planning and development decisions." (¶306.10)

(2) Policy LU-1.3.2 Development Around Metrorail Stations

"Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas." (¶306.11)

(3) Policy LU-1.3.4 Design to Encourage Transit Use

"Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots." (¶306.13)

**(4) Policy LU-1.3.5 Edge Conditions Around Transit Stations**

"Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should "step down" as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards." (¶306.14)

**(5) Policy LU-1.3.6 Parking Near Metro Stations**

"Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters." (¶306.15)

**(6) Policy LU-1.3.7 TOD Boundaries**

"Tailor the reach of transit-oriented development (TOD) policies and associated development regulations to reflect the specific conditions at each Metrorail station and along each transit corridor. The presence of historic districts and conservation areas should be a significant consideration as these policies are applied." (¶306.16)

**3. Creating and Maintaining Successful Neighborhoods**

**a) Policy LU-2.1.1 Variety of Neighborhood Types**

Maintain a variety of neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future." (¶309.6)

**b) Policy LU-2.1.3 Conserving, Enhancing and Revitalizing Neighborhoods**

Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment." (¶309.8)

4. Residential Land Use Compatibility

a) Policy LU-2.3.2 Mitigation of Commercial Development Impacts

"Manage new commercial development so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibrations impact on surrounding residential areas." (¶311.4)

b) Policy LU-2.3.3 Buffering Requirements

"Ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. Buffers may include setbacks, landscaping, fencing, screening, height step-downs, and other architectural and site planning measures that avoid potential conflicts." (¶311.5)

c) Policy LU-2.3.4 Transition and Buffer Zone Districts

Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts ..." (¶311.6)

5. Neighborhood Commercial Districts and Centers

a) Policy LU-2.4.1 Promotion of Commercial Centers

Promote the vitality of the District's commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city's role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents." (¶312.5)

b) Policy LU-2.4.2. Hierarchy of Commercial Centers

"Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District. Activities in each type of center should reflect its intended role and market area, as defined in the Framework Element. Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs." (¶312.6)

c) Policy LU-2.4.5 Encouraging Nodal Development

"Discourage auto-oriented commercial "strip" development and instead encourage pedestrian-oriented "nodes" of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them." (¶312.9)

d) Policy LU-2.4.6 Scale and design of New Commercial Uses

"Ensure that new uses within commercial districts are developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas." (¶312.10)

D. Transportation element

1. Overall goal:

a) "Create a safe, sustainable efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents." (¶401.1)

2. Policies and Actions – Linking Land Use and Transportation

a) "Coordinating transportation and land use decisions is critical to making the best use of infrastructure and finite land resources as these gains occur. The balance between housing and jobs plays a clear role in travel patterns. In general, the demands on our transportation system are reduced when homes are located close to places of employment and shopping. People spend less time traveling and overall quality of life may be improved. The transportation system as a whole benefits when more compact residential and employment areas are situated along major transit routes. Travel times are reduced and there is better use of public transportation investments." (403.1)

b) "Although the District has already developed walkable, transit-oriented neighborhoods, future opportunities will arise to strengthen the linkage between land use and transportation as new development takes place." (¶403.2)

- c) "Closer coordination between transportation and land use planning can result in better congestion management, more efficient use of transit and parking, and transportation infrastructure that is sensitive and complementary to its surrounding context." (¶403.4)
- d) "Assessing and measuring the transportation impacts of land use decisions is also an important part of integrated land use and transportation planning. New development generates new trips—be they auto trips, transit trips, or pedestrian and bicycle trips. Major land use changes such as the development of large housing complexes or office buildings must be evaluated for their impacts on existing and planned transportation infrastructure to ensure that the network can function adequately when the projects are completed." (¶403.5)
- e) **Policy T-1.1.4 Transit-Oriented development**

"Support transit oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points." (¶403.10)
- f) **Policy T-1.1-B Transportation Improvements**

"Require transportation demand management measures and transportation support facilities such as crosswalks, bus shelters, and bicycle facilities in large development projects and major trip generators, including projects that go through the planned unit development (PUD) process." (¶403.14)
- g) **Regional Smart Growth Solutions**

"A regional strategy of promoting, in-fill mixed-use and transit-oriented development in urbanized areas is needed to ensure transportation efficiency in the District and in the region." (¶405.3)

3. **Policies and actions – Multi-modal transportation choices**

- a) **Action T-2.3-A Bicycle Facilities**

"Wherever possible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users." (¶409.11)

**b) Policy T-2.4.1 Pedestrian Network**

"Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city." (¶410.5)

**4. Policies and Actions – Transportation System Efficiency and Management**

**a) Policy T-3.1.1 Transportation Demand Management (TDM) Programs**

"Provide support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system." (¶414.7)

**b) Policy T-3.1.3 Car Sharing**

"Encourage the expansion of car-sharing services as an alternative to private vehicle ownership." (¶414.9)

**c) Action T-3.1-A: TDM strategies**

"Develop strategies and requirements that reduce rush hour traffic by promoting flextime, carpooling, transit use; encouraging the formation of Transportation Management Associations; and undertaking other measures that reduce vehicular trips, particularly during peak travel periods. Identify TDM measures and plans as appropriate conditions for large development approval. Transportation Management Plans should identify quantifiable reductions in vehicle trips and commit to measures to achieve those reductions." (¶414.11)

**E. Housing element**

**1. Overall goal**

"Develop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." (¶501.1)

2. Homes for an Inclusive City - Expanding Housing Supply

a) "Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs." (¶503.1)

b) Policy H-1.1.1 Private Sector Support

"Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives." (¶503.2)

c) Policy H-1.1.2 Production Incentives

"Provide suitable regulatory, tax, and financing incentives to meet housing production goals. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for commercial projects that do not include housing. (¶503.3)

d) Policy H-1.1.3 Balanced Growth

"Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing." (¶503.4)

e) Policy H-1.1.4 Mixed Use Development

"Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations." (§503.5)

**F. Environmental Protection element**

**1. Policies and Actions – Promoting Environmental Sustainability**

- a) Policy E-3.1.2 Using Landscaping and Green Roofs to Reduce Runoff**
  - (1) "Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces." (¶613.3)
- b) Policy E-3.2.1 Support for Green Building**
  - (1) "Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities." (¶614.2)

**2. Policies and Actions- Reducing Environmental Hazards**

**Policy E-4.1.5 Improving Air Quality through Transportation Efficiency**

"Promote strategies that reduce motor vehicle emissions in the District and surrounding region. As outlined in the Land Use and Transportation Elements of this Comprehensive Plan, this includes the development of a fully integrated regional system of buses, streetcars, rail transit, bicycles, taxis, and pedestrian facilities to make it easier and more convenient to travel without an automobile." (¶61811)

**G. Economic Development element**

**1. Overall goal**

"Strengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy." (¶701.1)

2. Policies and Actions – The Spatial Impacts of the Job Market

a) Policy ED-2.2.1 Expanding the Retail Sector

"Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas." (¶708.5)

b) Policy ED-2.2.3 Neighborhood Shopping

"Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites." (¶708.7)

3. Policies and Actions - Supporting the Neighborhood Business Environment

Policy ED-3.1.1 Neighborhood Commercial Vitality

"Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents." (¶713.5)

H. Urban Design element

1. Overall goal:

2. "Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces." (¶901.1)

3. Policies and Actions – Designing for Successful Neighborhoods

a) Policy UD-2.2.1 Neighborhood Character and Identity

"Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context." (¶910.6)

b) Policy UD-2.2.4 Transitions in Building Intensity

"Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood." (¶910.10)

c) Policy UD-2.2.5 Creating Attractive Façades

"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." (¶910.12)

d) Policy UD-2.2.6 Maintaining Façade Lines

"Generally maintain the established façade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic façade line, or by placing buildings at odd angles to the street, unless the streetscape is already characterized by such variations. Where existing façades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm." (¶910.13)

e) Policy UD-2.2.7 Infill Development

"Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs." (¶910.14)

4. Policies and Actions – Improving the Public Realm

a) "Activating the street is another important objective, especially on neighborhood shopping streets." (¶913.5)

**b) Policy UD-3.1.6 Enhanced Streetwalls**

"Promote a higher standard of storefront design and architectural detail along the District's commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort." (¶913.13)

**c) Policy UD-3.1.7 Improving the Street Environment**

"Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall." (¶913.14)

**I. Capitol Hill Area element**

**1. Policy CH-1.1.2 Renovation of Housing Stock**

"Encourage the rehabilitation and renovation of the building stock throughout the Capitol Hill Planning Area, taking steps to preserve and restore important historic features. Where infill development occurs, its scale and character should be compatible with prevailing neighborhood densities and its design should contribute to neighborhood continuity and quality." (¶1608.3)

**2. Policy CH-1.1.3 Upgrading Commercial Districts**

"Reinforce and upgrade the major commercial districts of Capitol Hill, including the H Street and Benning Road corridors... Support the further development of these areas with local-serving retail services, provided that such uses are compatible with surrounding land uses and the historic architecture and scale of the shopping districts themselves..." (¶1608.4)

3. Policy CH-1.1.4 Directing Growth

"Direct growth in the Capitol Hill Planning Area to commercially zoned land, with a particular emphasis on the H Street/Benning Road corridor. Mixed use development combining ground floor retail and upper story residential uses should be supported in this area, along with streetscape improvements that improve the visual and urban design qualities and enhance pedestrian, bus, and auto circulation. As in all parts of the city, the scale of development must be sensitive to adjacent uses and should reflect the capacity of roads, infrastructure, and services to absorb additional growth." (¶1608.5)

4. H Street/Benning Road Policy Focus Area

a) Policy CH-2.1.1 H Street Revitalization

"Support the revitalization of the H Street corridor between North Capitol Street and 17<sup>th</sup> Street NE in a manner that is consistent with the 2003 H Street Strategic Development Plan. This Plan recommended the development of four thematic areas along the H Street corridor:

Western Gateway, between North Capitol Street and 7<sup>th</sup> Street, NE. This area includes air rights development over the CSX railroad (Burnham Place) and an "urban living" district between 2<sup>nd</sup> Street and 7<sup>th</sup> Street NE. The Urban living district is intended for medium to high density residential development, with limited ground floor retail uses." (¶1611.6)

b) Policy CH-2.1.3 Physical Improvements

"Improve the infrastructure and physical appearance of the H Street corridor as a way to enhance its market perception, and to attract investors, visitors, shoppers, and residents." (¶1611.8)

c) Policy CH-2.1-A H Street Strategic Development Plan

"Implement the recommendations of the 2003 H Street Strategic Development Plan." (¶1611.13)

X. Compliance with the H Street Strategic Development Plan

A. Site is part of Western Gateway, Urban Living subdistrict

B. "Housing will be higher density with architecture that appropriately marks the entrance to the H Street community." (Executive Summary, p. iv)

C. Plan framework (§7.2)

1. New buildings between 2<sup>nd</sup> and 4<sup>th</sup> Street can bring new life to this end of the corridor
2. Larger sites in single ownership make higher density, mixed-use projects possible and allow transition to lower scale buildings between 4<sup>th</sup> and 7<sup>th</sup> Streets

D. Plan by District (§8.2)

1. Plan applies to and focuses on the H Street frontage in this square
2. Development of 6 to 8 story mixed income residential and/or office uses, with retail or restaurant use at corner of 3<sup>rd</sup> and H Streets
3. Building should be built to property line on H Street, with the mass of the building placed as far north as possible
4. Parking should be provided underground with access from 2<sup>nd</sup> Street
5. Design should reinforce the importance of the 3<sup>rd</sup> and H Street intersection as the corridor's western gateway

E. Design Guidelines

1. Site designated as Type 1 large parcel development
2. Support major mixed use development
3. Parcels near Union Station increase the opportunity for more dense development
4. Building envelope
  - a) Set directly on the H Street and side property lines
  - b) Maximize lot coverage up to 100% of buildable area
  - c) Between 4 and 8 stories tall
5. Encroachments for balconies, bay windows, awnings and canopies at more than 8 feet above the sidewalk
6. Parking
  - a) Below grade

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b) Shared parking encourages

XI. Compliance with the NoMA Vision Plan and Development Strategy (October, 2006)

- A. Calls for primarily residential development with ground floor retail east of the railroad tracks
- B. Site shown for new residential development on concept plan (Sheet 2.3)
- C. Scale transitions based on architectural design (Sheet 3.27)
- D. Increased density for projects that are PUDs, further Comprehensive Plan objectives without negatively impacting surrounding neighborhoods, include design excellence and amenities are clear benefit to the public (Sheet 3.28)
- E. Environmental sustainability is general overall goal (Sheet 3.31)

XII. Compatibility with the area

- A. Uses: commercial and residential uses already permitted on site
- B. Density and zoning generally compatible with projects to the north and west
- C. Design reflects location as major gateway to H Street corridor coming from the west; H Street Overpass reaches the ground at 3<sup>rd</sup> Street
- D. Design recognizes transition to existing lower height and density residential buildings
- E. Design steps down height from 115 feet permitted on Station Place and 110 feet permitted on Senate Square to maximum of 100 feet at corner of 2<sup>nd</sup> and H Streets and lower heights to the east and south

XIII. Conclusions

- A. Project is not inconsistent with the Comprehensive Plan
- B. Project is within the applicable height and bulk standards of the Zoning Regulations
- C. Site is unique in that it fronts on 2<sup>nd</sup> Street, the boundary of the Central Employment Area, abuts the H Street overpass, confronts existing C-3-C zoning on the west and north and provides for the transition to lower density zoning categories on the site itself

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- D. Project provides an appropriate balance between the development proposed, the flexibility requested and the benefits and amenities provided
- E. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development
- F. Project should be approved