

## **BY E-MAIL**

October 1, 2007

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Re: Zoning Commission Case No. 05-37 – Capitol Place  
Response to Issues Raised in Mediation Process

Dear Members of the Mediation Committee:

On behalf of the Louis Dreyfus Property Group and Cook + Fox Architects, we believe that we have collectively engaged in a productive and meaningful dialogue with respect to the Capitol Place project located at 2<sup>nd</sup> and H Streets, NE (the "Site"). We believe that the discussions have been effective in bringing positive changes to the project to respond to the issues you and the community have raised with us.

The mediation process has served as a forum through which the community has presented those issues which were of the greatest importance. Below, we have outlined how we believe that each of these issues has been resolved or accommodated as a result of the revised project that the applicant is bringing forward as a result of the mediation process.

**ZONING COMMISSION**

CASE No. 05-37

EXHIBIT No. 104 **ZONING COMMISSION**

District of Columbia  
CASE NO.05-37  
EXHIBIT NO.104

### **Establishing a Non-Precedential Impact from the Rezoning**

Members of the mediation have expressed concern relating to the rezoning of the northwest corner of the Site to C-3-C. Although many of the community members support additional height at this corner, there has been concern that a proposed rezoning will set a precedent for future development of other properties within the H Street Overlay.

Members of the mediation committee have asked us to describe why the Site is unique in ways that would support an upzoning to C-3-C and also why it would not serve as a precedent for other developments to seek the same height and density as that proposed for this Site. Due to the unique circumstances of this project, even if someone else were to cite the proposed project and related rezoning as precedent for a future rezoning and development somewhere else within the H Street Overlay, it is impossible to find another property which would have all of the same factors associated with this Site. These unique factors include the following:

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. Attached as Exhibit A is a diagram illustrating these unique facts.

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 and the Comprehensive Plan suggest focusing higher density mixed-use activity. All of the density on the Site is devoted either to residential use or to retail and services uses, which are designated as preferred uses under the H Street Overlay. All of the density over the matter-of-right density is used for residential use. *"As indicated in the plan, the proposed new development is generally divided between new, larger-scale projects on vacant or underutilized sites at the western end of the corridor and small scale, infill development projects scattered along the entire corridor."* The H Street NE Strategic Development Plan, April, 2003, page 35. *"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, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide."* The Comprehensive Plan for the National Capital, District Elements, December, 2006, ¶306.10 Exhibit B illustrates the proximity of the Site to Union Station.

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 surface of H Street and will have only eight stories when viewed from the overpass. Maintaining this limitation on the height relative to the surface of H Street, the project reinforces the goal of limiting heights along H Street to 90 feet above grade, while taking into account the slop of H Street along the site. Attached as Exhibit C is a diagram illustrating the maintenance of the 90 feet along 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. Exhibit D shows the zoning in this area and illustrates this condition.

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 3<sup>rd</sup> 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. This "encapsulated" section of C-3-C zoning can be seen on the plan attached as Exhibit D.

6. The Site 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).

7. The Development and Design Guidelines of the H Street Strategic Development Plan call this site out for Type I or large parcel development. *"These large properties can support major mixed-use development opportunities."* The H Street NE Development & Design Guidelines, April, 2003, Page 2. 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. *"A mixed use development 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. *"A concentration of housing at the western end of H Street will have a beneficial impact on the viability of small retail establishments such as traditional 'corner shops.'"* The H Street NE Strategic Development Plan, April, 2003, Page 37. *"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. Through a unique design incorporating creative massing and architectural details, the density on the Site has been distributed within the height proposed to reflect the different contexts of the four streets on which the Site fronts and the sensitivity to relate the project to the smaller scale of the houses which front on G and 3<sup>rd</sup> Streets in the square. *"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."* The Comprehensive Plan for the National Capital, District Elements, December, 2006, ¶1608.16. *"Ensure that new developments on parcels that are larger than the prevailing neighborhood lot size are carefully integrated with adjacent sites."* The Comprehensive Plan for the National Capital, District Elements, December, 2006, ¶910.15.

The combination of factors listed in Items 1 through 7 are without equivalence along the H Street Corridor and have a direct bearing on the nature of unique conditions that define the design of this project. When all of these factors are taken together, it is clear that there is no other site along the H Street Corridor which possesses the same attributes and characteristics as the Capitol Place Site. This unique confluence of factors is not replicated anywhere else in the H Street Overlay, meaning that no other property can cite rezoning of the Capitol Place Site as the basis for why another property should be rezoned in a similar manner.

Furthermore, in the event that the portion of the Site at the corner of 2<sup>nd</sup> and H Streets Site is rezoned to C-3-C, such rezoning would be linked exclusively with the development of the Site in accordance with the approved PUD. If the Applicant chose not to construct this project within the time frame specified in the Zoning Regulations and the Commission's order approving the project, the C-3-C zoning would be extinguished and the Site would maintain its current split-zoned designation of C-2-A and C-2-B.

The Zoning Regulations specifically provide that each PUD must be evaluated and decided based on the specific standards of Chapter 24 of the Zoning Regulations. These standards include finding that the impact of a project on the surrounding area shall not be unacceptable and that a project is not inconsistent with the Comprehensive Plan and other public policies and active programs related to the site. In the context of the Comprehensive Plan, the Commission must also evaluate the specific public benefits and project amenities of the proposed

development. In essence, a project must be evaluated individually and cannot be used as precedent for future projects.

The Zoning Commission has consistently found that each project must be evaluated individually. In Zoning Commission Order No. 459 (April 8, 1985) (*denial of set down for requested rezoning on MacArthur Boulevard; the Commission did not accept the applicant's reliance on the rezoning of an adjacent property to justify the requested rezoning*), the Commission stated that each application must be decided on its own merits and went on to conclude that both sides' "reliance on previous decisions of the Commission to support their respective positions is unfounded." Similarly, in Zoning Commission Order No. 270 (April 12, 1979) (*preliminary approval of a PUD and related rezoning for a portion of Judiciary Square*), the Commission noted that "each case must be decided on the specific set of facts surrounding that property, that no two properties are identical and therefore that the decision in regard to this application cannot automatically serve as a precedent for other properties in the Judiciary Square area." Furthermore, in Zoning Commission Order No. 906 (October 16, 2000) (*approval of a PUD and related rezoning for 1000-1010 16th Street, NW*), the Zoning Commission conditioned the rezoning of a property at the corner of 16th and K Streets, NW, to C-4 as follows: "Given the unique nature of this property and unique circumstances of this case, ... this case shall not serve as and may not be cited as a precedent for the rezoning to C-4 of any other property zoned SP-2 in the 16th Street corridor." The Applicant would agree to a similar written condition as part of the Order approving this PUD.

As set forth in the preceding discussion, we believe that it is clear that rezoning of the northwest corner of this site to C-3-C will not set a precedent for the H Street corridor and Overlay area. See Exhibit E.

### **Massing Justification and Placement of Height on the Site**

A primary goal of the design has always been to transition the project through its massing and steps in height from the larger scale development at the western end of the H Street corridor to the lower scale of the residential development along G and 3<sup>rd</sup> Streets. Some members of the community have indicated that the project was too tall in some respects and have raised concerns regarding the overall massing of the project. Through this mediation process, the transition has been further refined, the height has been reduced in numerous areas and mass of the building has been removed and redistributed on the Site as follows (refer to Exhibit F):

- Reducing the height of the building along 2nd Street by removing one floor, resulting in a maximum height of 55 feet.
- Maintaining a maximum height of 65 feet along the G Street façade and at the corner of 2<sup>nd</sup> and G Streets.
- Incorporating a stepped-down in height garden pavilion with a maximum height of 45 feet.

- Reducing the maximum height along the H Street façade to 90 feet above the overpass, which results in the maintenance of a perceived 8-story façade along the H Street overpass as it descends from the raised portion of the bridge.
- Creating a tower element at the corner of 2<sup>nd</sup> and H Streets with an architectural embellishment extending 18 feet above the roof to create a unique gateway to the H Street corridor.
- Incorporating an appropriate transition down to a height of 55 feet at the corner of H and 3<sup>rd</sup> Streets.

### **Architectural Design Revisions**

Members of the community had also expressed concern that they felt the architecture of the building did not reflect the architectural language of Capitol Hill. During the mediation, community members established a strong dialogue with the architects of the project and made several recommendations that they felt would create an architectural expression for the project that was more sensitive to its location at the entry to the Capitol Hill district, including the following:

- Designing the project in accordance with the H Street Design Guidelines, including creating buildings with an expressed base, middle, and top and with expressed sills and lintels, as well as creating a pedestrian friendly streetscape and ground level.
- Emphasizing the vertical elements of the design.
- Treating each of the façades of the project distinctly to respond to that façades surrounding context.
- Incorporating townhouses with bay projections along G Street.
- Placing the more modern expression of the project along 2<sup>nd</sup> Street to respond to Station Place.
- Placing the larger mass at the gateway entrance to the neighborhood at the northwest corner and drawing inspiration for the design along H Street from the architectural context of the design of the former Children's Museum.
- Reducing the apparent building scale and mass of the project by using techniques such as having windows spread over two floors.

The architects have redesigned each façade of the project in accordance with these suggestions.

Members of the community also expressed concern regarding the materials proposed for the project, suggesting that some of the elements were too "cold" or more akin to a downtown building. In response, the architects have removed the large scale metal trellis elements from the design and deleted the large cantilevered glass elements. In addition, the architects have agreed with the community members on a palette of reddish, brown, earth-tone pre-cast concrete and brick elements.

### **Reduction in Density of the Project**

Some members of the community stated that the proposed density of the project was too high. When originally proposed, the project had a proposed density of approximately 432,000 square feet of gross floor area, or 5.73 FAR. The project was refined before the initial set down in April 2006, with the revised design having a proposed density of approximately 422,000 square feet of gross floor area or 5.5 FAR. Upon further work with the community, the size of the project was reduced to approximately 403,000 square feet of gross floor area, or 5.25 FAR.

Emerging from the mediation process, further square footage was removed and the revised design reduces the size of the project even further. The Applicant is now proposing a project that has been reduced to approximately 389,000 square feet of gross floor area, or 5.07 FAR. The project has thus been reduced in size from its original density by approximately 43,000 square feet.

This FAR – which measures the ratio of square footage of development to land area – is less than the adjacent Senate Square development, which has a maximum of 5.72 FAR, and the Station Place development, which has 5.9 FAR. The proposed FAR for this project is comparable to the Steuart 300 H Street PUD recently approved, which has an FAR of 5.0.

In addition, this Site is the closest site on H Street to the Union Station Metrorail Station. Thus, it is the most appropriate site in the H Street Overlay on which to place higher-density residential development, so long as any adverse impacts can be mitigated. In fact, the H Street plan recognizes the importance of enhancing the opportunity to create a unique multi-modal center.

### **Compliance with H Street Overlay and H Street Design Guidelines**

Members of the community have raised concerns as to whether the project's design complies with the H Street Overlay and the design guidelines of the *H Street N.E. Strategic Development Plan*. As set forth in the documents attached as Exhibit G and Exhibit H, the project complies in all respects with these provisions with a few exceptions. These exceptions are noted therein and involve unique conditions to this Site which make compliance impossible or not feasible. Most of these unique conditions are a result of the raised-nature of the H Street and the overpass and the fact that the grade changes by approximately 20 feet from the western edge to the eastern edge of that façade. Other areas of deviation include the special characteristics of this Site (such as the designation of this project as the one-half of the gateway to the H Street corridor) and specific community requests (such as prohibition on use of the alley for loading and parking access by the new building).

The Neighborhood Commercial Overlay District contains a general provision in §1305.1 stating that "the matter-of-right height and floor area ratio limits [of the underlying zone] shall serve as the guidelines for Planned Unit Developments." That provision was originally adopted

and applied to the Cleveland Park, Woodley Park and Macomb-Wisconsin Districts. It was adopted at a time that a PUD in any commercial district was subject to guidelines rather than absolute limits on height and FAR. No criteria were set forth in adopted §1305.1 to be applied to PUD applications which proposed to exceed the guidelines. Therefore, the criteria for exceeding the guideline height or FAR were the same for a PUD in a Neighborhood Commercial Overlay as they were for any other PUD; only the guideline limits were lower. The pertinent regulations stated as follows:

- The heights and FARs specified "shall be considered as guidelines. The Commission shall reserve the option to approve a height or floor area ratio greater or lesser than the guideline indicated." (§§2403.2 and 2403.8)
- "The specific height and floor area ratio approved by the Commission for a particular planned unit development shall depend upon the exact circumstances surrounding the application, including the location and physical characteristics of the property; the nature of surrounding properties, uses and buildings; and the design of the proposed project." (§§2403.3 and 2403.9)
- To exceed the guidelines indicate in the following table, the applicant shall have the burden of demonstrating and justifying the public benefits and other meritorious aspects of the proposal that will result if the additional height and floor area ratio is approved." (§§2403.4 and 2403.10)

The PUD regulations were amended in 1995 to replace the concept of guideline with standards, as set forth current §2405. When the H Street Overlay was adopted in 2006, it addressed the current PUD regulations and the generalized limitation of §1305.1 by specifically providing in §1326.1, applicable only to the H Street Overlay, that:

"A planned unit development (PUD) in the HS Overlay District shall be subject to the following provisions in addition to those of Chapter 24 of this Title:

- (a) The additional height and floor area above that permitted as a matter-of-right shall be used only for housing or the preferred uses listed in §§ 1322.2 and 1323.2"

The Capitol Place project complies with that specific standard, in that all of the density over the matter-of-right limitation for the three zone districts included within the project is devoted to residential use.

Notwithstanding that the Applicant's burden is to show that it has complied with the Regulations, in these mediation discussions, the Applicant has identified the factors that we think make this site unique and that make approval of this project as a PUD non-precedential for other properties in the H Street corridor. The total density in the project is appropriate for the site, given the Comprehensive Plan and H Street Strategic Development Plan provisions cited above,



the comprehensive and far-reaching package of amenities and benefits tailored to this specific site that will be provided and will result from the project and the skillfully executed architectural design and treatment of the building, including the massing, the step-downs in height and the contextual façade treatments. All of those components combine to show that the project stands by itself, that the justification for the PUD goes beyond the requirements of the Regulations to show that the site is affected by a set of constraints, opportunities and requirements that do not in total apply elsewhere in the corridor and that those unique circumstances present a sufficient basis for allowing the project to reach the total density proposed, of approximately 389,000 square feet of gross floor area.

### **Public Benefits and Project Amenities**

The community has requested confirmation of and additional details regarding the Applicant's package of public benefits and project amenities. The Applicant has offered the following benefits and amenities: (1) more than 300 dwelling units; (2) devotion of 15% of the increase in residential FAR to units affordable to households making no more than 80% of the Area Median Income; (3) LEED Silver Certification; (4) formal dedication of ten feet to widen the existing dog-leg public alley to twenty feet straight through from G Street, to provide access to the houses in the Square fronting on 3rd Street and providing no access to the subject development; (5) retail at the corner of 3rd and H Streets and along the 2nd Street frontage; (6) a public stair to provide access from the H Street overpass sidewalk to 2nd Street; (7) a micro-grant program for use by property owners in neighboring squares to improve the fronts of their houses; (8) an additional micro-grant program for property owners in the subject square for energy efficient upgrades; (9) a contribution to the H Street Main Street Program for a Clean and Safe Program; (10) a construction management plan; (11) options for property owners in the subject square to purchase memberships in the health club and rent or purchase available parking spaces in the garage; and (12) if supported by all abutting property owners, support of the closure of the east-west alley near G Street and an expenditure of \$15,000 for improvements. An outline of the amenities and benefits package can be found in the attached Exhibit I.

In addition, the Applicant has committed to two additional amenities which have been reclassified as mitigation. Specifically, although the community and the Applicant agree that the properties involved in this application are not included within a historic district nor are the properties designated as historic structures, they could be considered as potentially eligible structures. The Applicant has agreed to survey and document those potentially eligible structures to be demolished within the PUD Site. In addition, the Applicant has agreed to fund a professional survey of properties for inclusion in a possible future extension of the Capitol Hill Historic District, such properties being located within the twenty-six blocks comprised of 2nd to 15th Streets, NE, and F to H Streets, NE, not including the Site or properties fronting on H Street.

This summarizes the major overall concerns and issues brought forward during the mediation process. We hope that this document and its attachments clarify the specific responses

and proposed solutions and adequately address each of these. Given the length and breadth of the discussions and the seriousness with which we have participated in this process, the Applicant commits that it will not seek to amend the PUD to increase the height and density as shown on the plans and as approved by the Zoning Commission. This letter may be introduced as evidence in any future Zoning Commission hearing regarding modification to the PUD.

We look forward to the Zoning Commission's consideration of this application at the hearing scheduled for October 1, 2007, and to the community's involvement in that proceeding. Should you have any questions or need additional information, please do not hesitate to contact us or Bob Braunohler or Sean Cahill of Louis Dreyfus Property Group or Rick Cook or Mark Rusitzky of Cook + Fox.

Very truly yours,



Wayne S. Quin



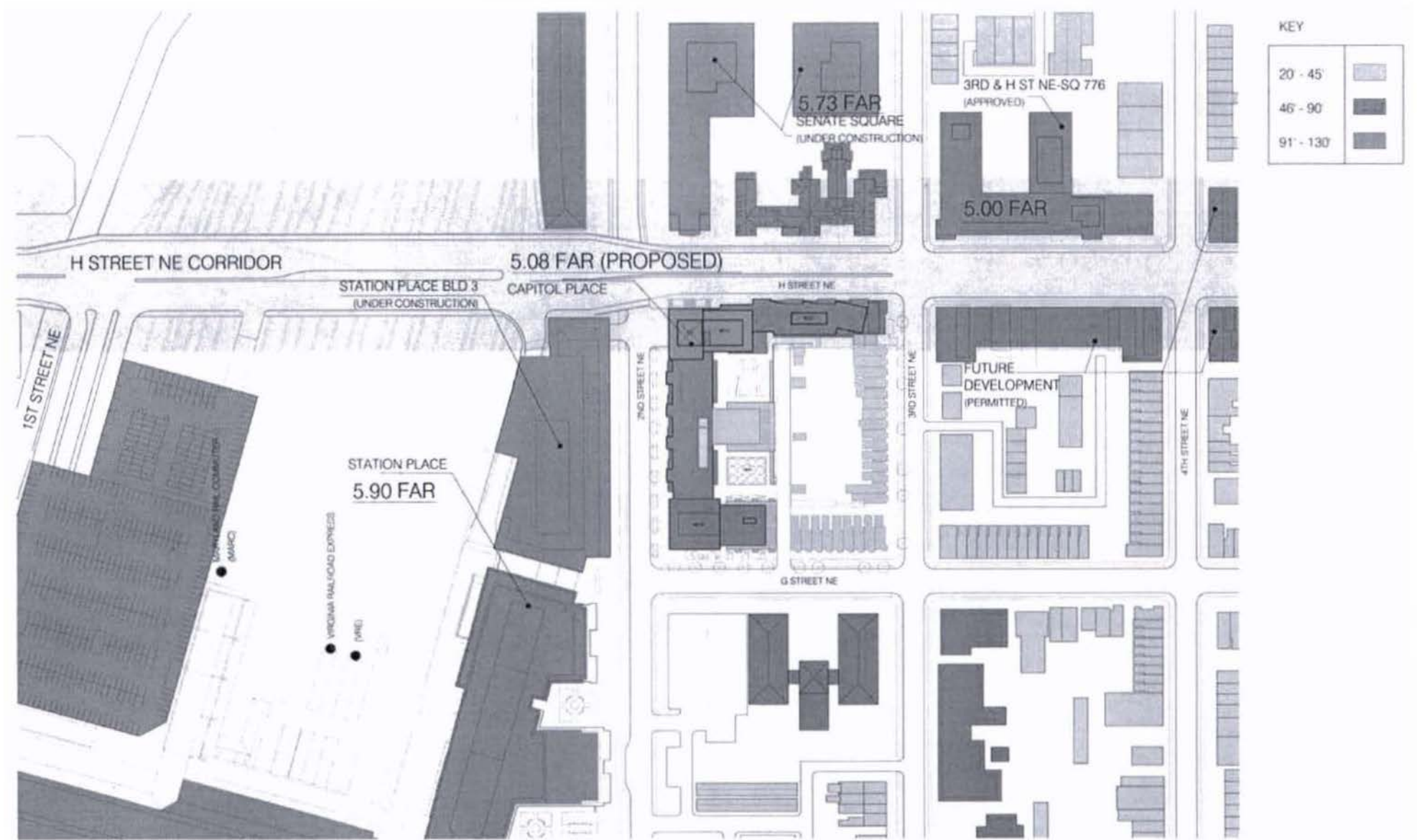
Steven E. Sher,  
Director of Zoning and Land Use Services



Christine Moseley Shiker

**Attachments**

cc:	Harriett Tregoning, Office of Planning	(Via Hand; w/attachments)
	Jennifer L Steingasser, Office of Planning	(Via Hand; w/attachments)
	Travis Parker, D.C. Office of Planning	(Via Hand; w/attachments)
	Lee Quill (Mediator), Cunningham Quill Architects	(Via Hand; w/attachments)
	Bob Braunohler, LDPG	(Via Hand; w/attachments)
	Sean Cahill, LDPG	(Via Hand; w/attachments)
	Rick Cook, Cook + Fox	(Via Hand; w/attachments)
	Mark Rusitzky, Cook + Fox	(Via Hand; w/attachments)

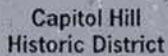


## Context Site Plan – Building Height

Capitol Place, 2<sup>nd</sup> Street, NE, Washington D.C. Station Holdings LLC

EXHIBIT A

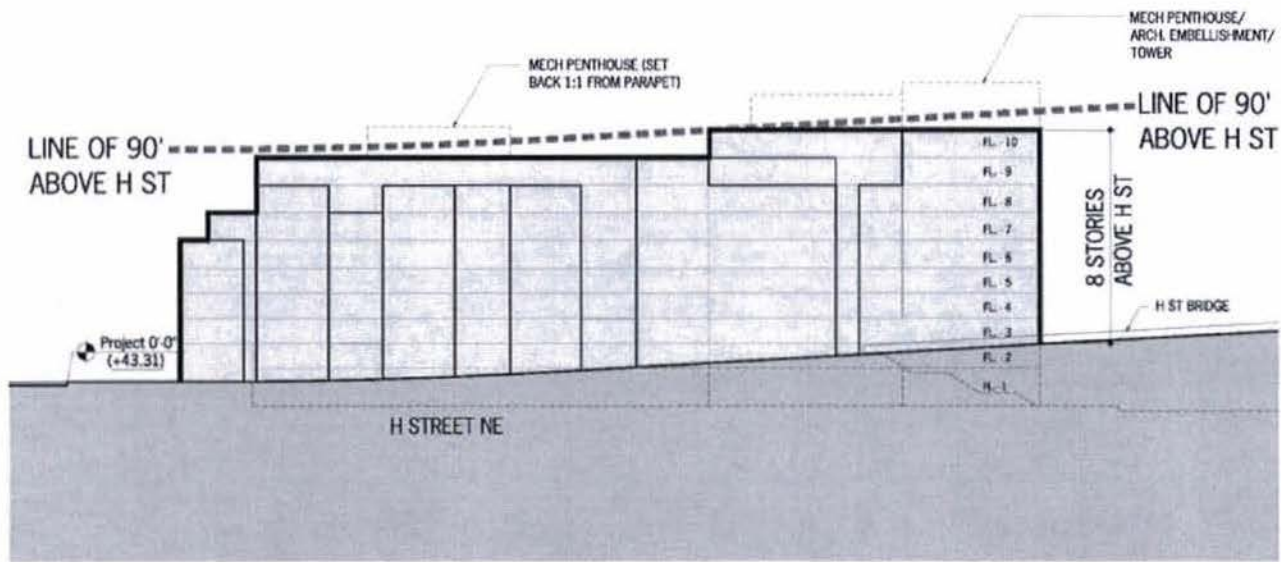
Cook + Fox Architects LLP



Capitol Place, 2<sup>nd</sup> Street, NE, Washington D.C. Station Holdings LLC  
EXHIBIT B

Cook+Fox Architects LLP





H STREET ELEVATION - 90' HEIGHT DIAGRAM



KEY PLAN

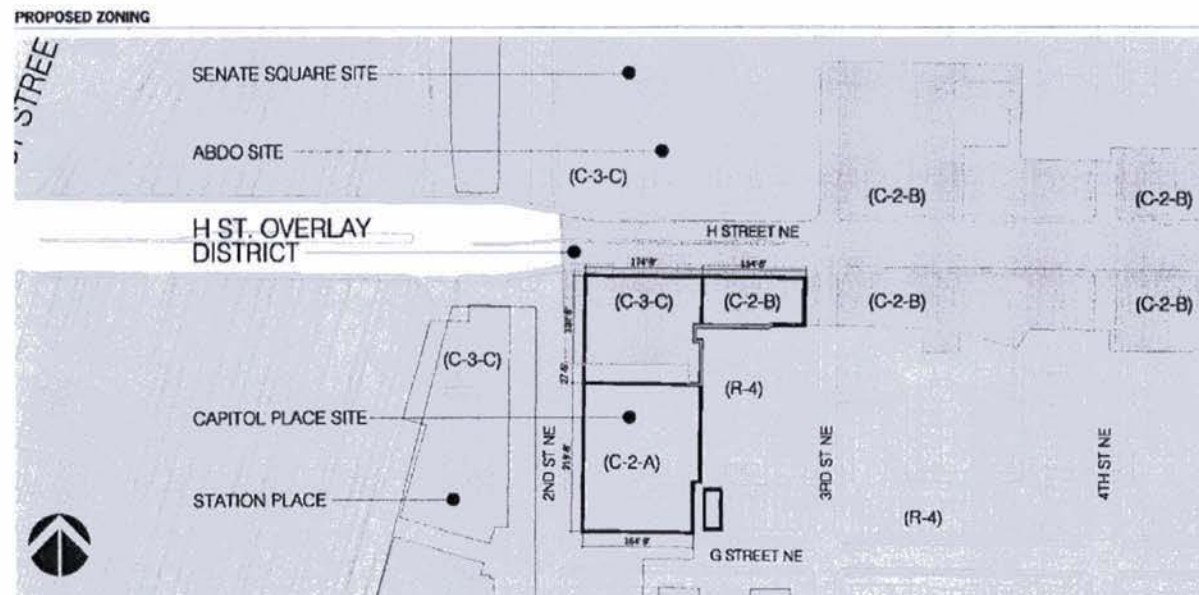
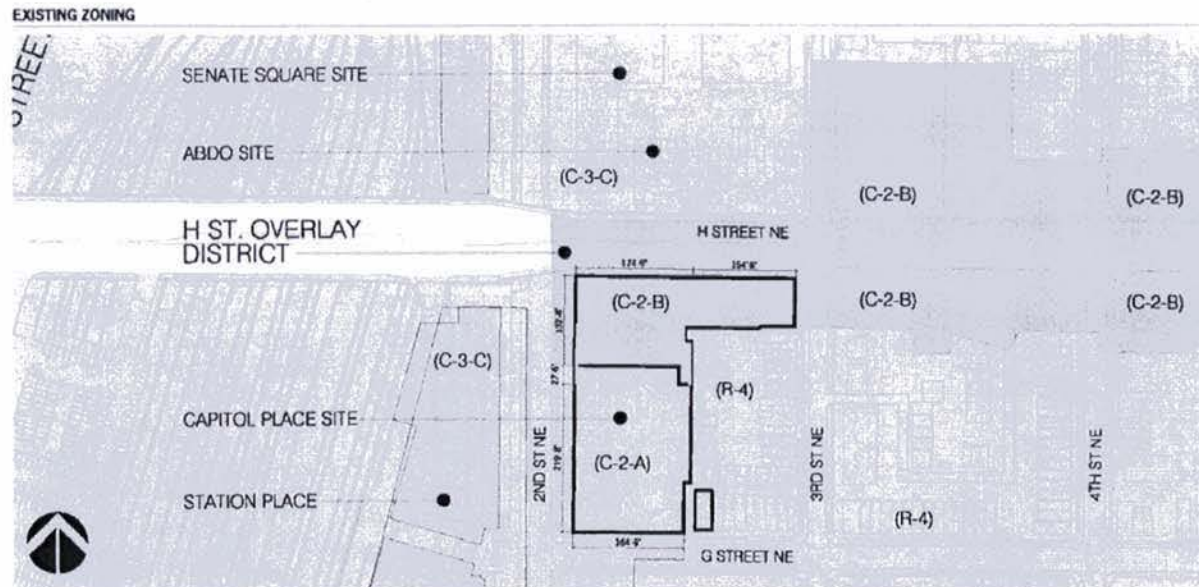


## H Street Elevation – 90' Height Diagram

Capitol Place, 2<sup>nd</sup> Street, NE, Washington D.C. Station Holdings LLC

EXHIBIT C

Cook + Fox Architects LLP

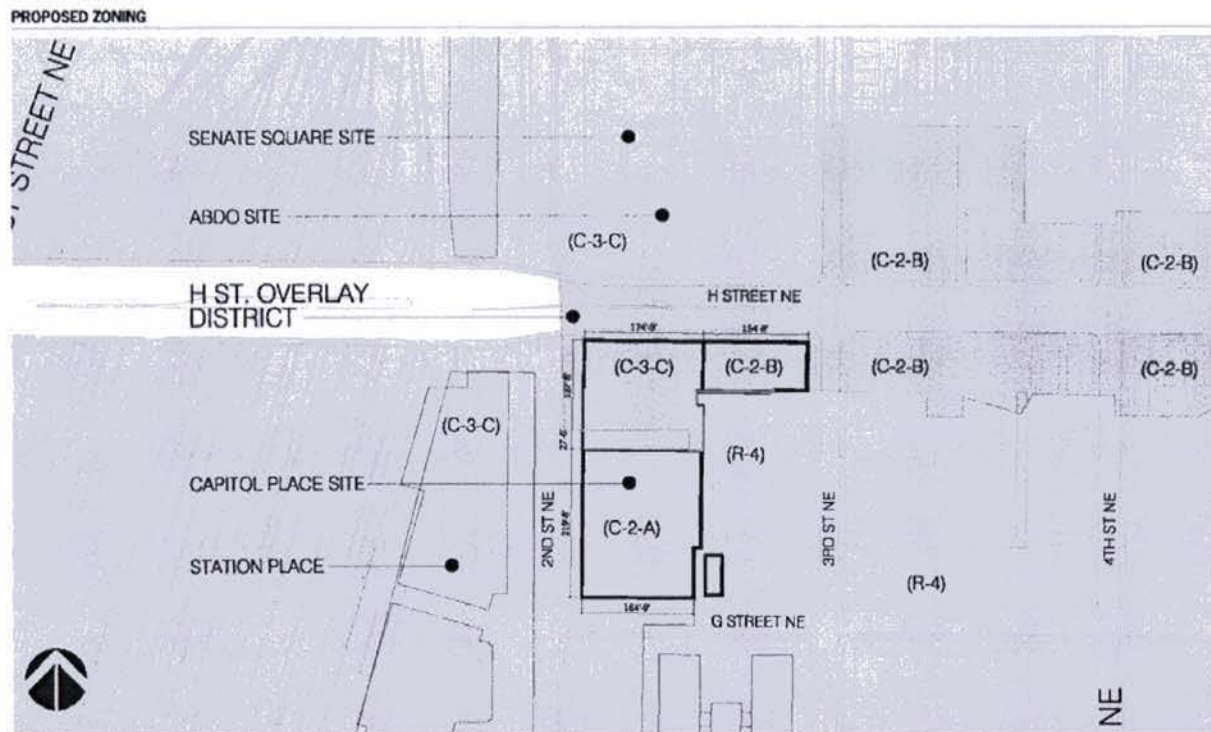


## Zoning Diagram

Capitol Place, 2<sup>nd</sup> Street, NE, Washington D.C. Station Holdings LLC

EXHIBIT D

Cook+Fox Architects LLP

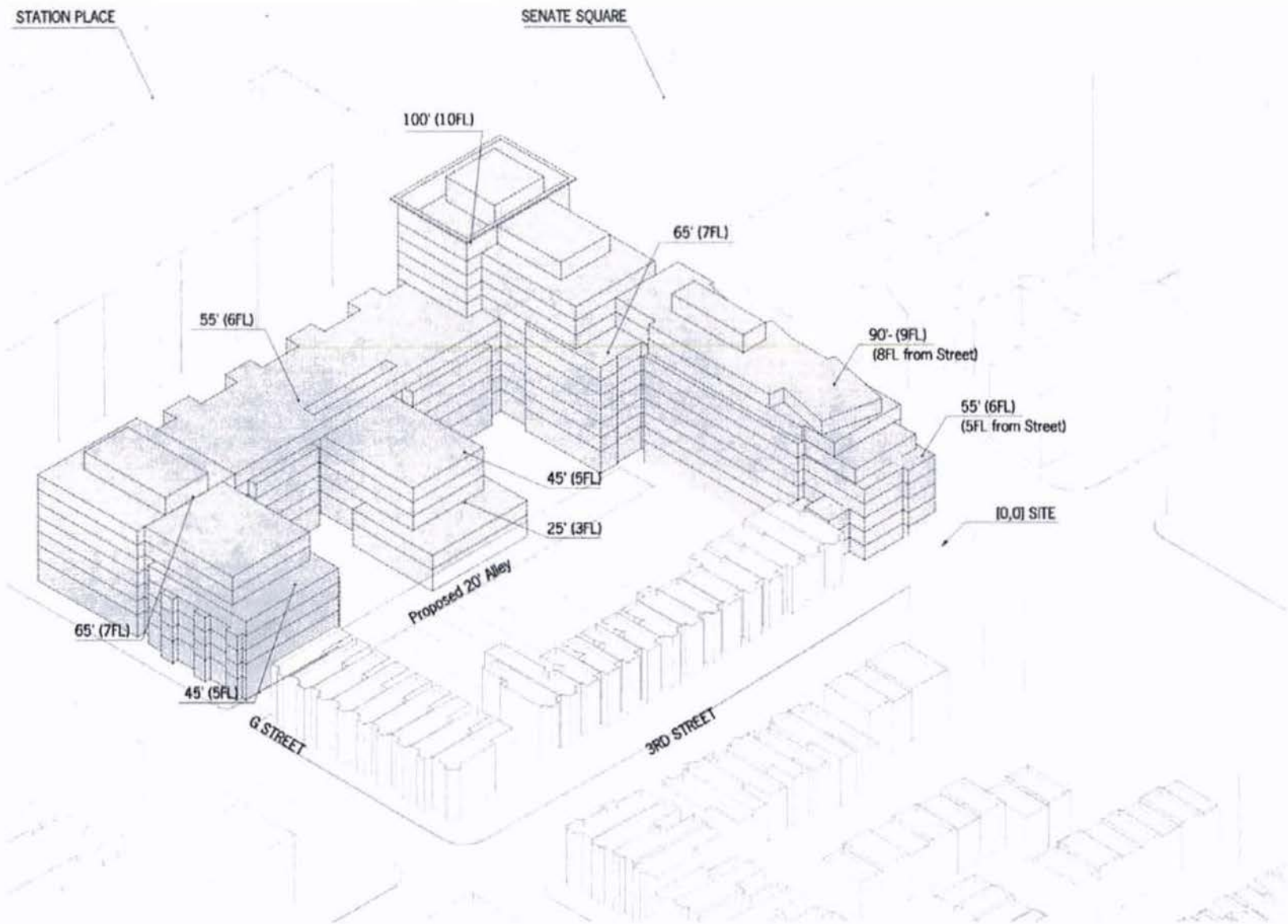


## Zoning Diagram

Capitol Place, 2<sup>nd</sup> Street, NE, Washington D.C. Station Holdings LLC

EXHIBIT E

Cook+Fox Architects LLP



## Massing Axonometric

Capitol Place, 2<sup>nd</sup> Street, NE, Washington D.C. Station Holdings LLC

EXHIBIT F

Cook + Fox Architects LLP



## **Exhibit G**

### **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	76%
C-2-B	83%

<u>C-3-C</u>	<u>65%</u>
Total Site	73%

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 curblane or extension of the curblane.

The project will comply

1324.15

Facade 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 H**

# **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).

## **Exhibit I**

### **Public Benefits and Project Amenities** **Capitol Place**

#### **1. Housing (11 DCMR §2403.9(f))**

- 302 residential units compared to approximately 190 residential units as a matter-of-right.

#### **2. Affordable Housing (11 DCMR §2403.9(f))**

- Approximately 20,570 square feet of gross floor area devoted to affordable housing units. *The total amount of affordable housing is calculated as 15% of the bonus residential density (i.e., the increase of gross floor area resulting from the PUD) and is thus subject to change based on the final total increase.*
- Offer a 10% discount on one parking space to the purchaser or renter of each affordable housing unit.

#### **3. 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.
- Commitment to make a payment into an escrow fund of a security (i.e., bond, letter of credit or escrow account) that is equal to one percent of the construction cost as identified on the building permit application. When the project achieves LEED certification, the security will be released to the Applicant. In the event that the

Applicant does not achieve certification for this project within two years of the date of the certificate of occupancy, the security would be released to the District.

4. Retail in Project - Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Retail fronting the corner of 3<sup>rd</sup> and H Streets (approximately 8,254 square feet) and along 2<sup>nd</sup> Street to G Street (approximately 15,180 square feet).

5. North-South Alley – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Construction of an alley with a width of 20 feet to replace the existing 10-foot public alley.
- Payment for and installation of sewer infrastructure in the existing public alley to allow connection to future alley structures built by the residents of the 3rd Street townhouses.
- The Applicant will seek approval from the District to dedicate the portion of the 20-foot alley currently on private property. This dedication of private land is contingent upon the DC Council's acceptance of such dedication.
- The alley will be constructed to District Department of Transportation ("DDOT") standards.

6. East-West Alley – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- 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. These funds shall be used to implement a beautification and work plan agreed to by all of the property owners abutting the alley to be closed. The Applicant shall

maintain the funds until such time as all of the property owners agree to the beautification and work plan and invoices are submitted for payment of work authorized by the plan.

7. Aesthetic Fencing along H Street – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Pay for and install improved, more aesthetic fencing along the H Street overpass in front of Capitol Place, subject to approval by DDOT, including the Public Space Division.

8. Public Stairway – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Provide a public stairway and sidewalk from the H Street overpass to 2<sup>nd</sup> Street on Capitol Place property, subject to approval by DDOT, including the Public Space Division.

9. Micro-grant Program – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Fund a micro-grant program with \$150,000 whereby neighboring property owners within Squares 752, 753, 777 and 778 could apply for a grant for the purpose of making repairs and improvements to the portions of their homes which are within public space or viewed from public space.
- Fund an additional micro-grant program with \$50,000 whereby property owners within Square 752 could apply for a grant for the purpose of making energy efficient upgrades to their homes.
- Both micro-grant programs will be administered by Capitol Hill Restoration Society ("CHRS"), with a 10% administration fee being paid to CHRS for its role.

10. Streetscape Improvement – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Replace the sidewalk, curb and gutter along the west side of 3<sup>rd</sup> Street between H and G Streets and along the north side of G Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, subject to approval by DDOT, including the Public Space Division.

11. Fence Replacement in Square 753 – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Replace the chain link fencing around the parking lot in Square 753 with galvanized steel fencing, subject to approval by the owner of the property.

12. Improvement to H & 2<sup>nd</sup> Streets, NE – Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Subject to approval by DDOT, including the Public Space Division, install 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.

13. Other Uses of Special Value to the Neighborhood (11 DCMR §2403.9(i))

- Provide the option for occupants and owners of property in Square 752 to purchase a membership for access to the health club at Capitol Place.
- Provide the option for neighborhood residents to rent parking spaces in the project's below-grade garage, subject to availability, with preference being given to occupants and owners of property within Square 752.
- Contribution to H Street Main Street of \$150,000, to be used for the Clean and Safe Program or for H Street façade improvements.
- Participation in H Street Main Street's Clean and Safe Program based on a formula derived of the project's pro-rata share as calculated with the rest of the H Street area that

will be participating, subject to the Capitol Place legislatively being removed from the Capitol Hill BID.

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

- Inclusion of two dedicated car-sharing parking space(s) in parking garage.
- Payment of up to \$25 for the application fee or a portion of the annual membership fee for the initial purchaser or renter of a residential unit in the project.
- Issuance of a \$50 Metro Smartcard passes for the initial purchaser or renter of a residential unit in the project.
- Provide 85 bicycle parking spaces on-site.

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

- Commitment to LSDBE and First Source agreements.

**16. Construction management plan.**

- Commitment to follow a construction management plan.

**Historic Mitigation Items**

- Fund a professional survey of properties for inclusion in a possible future extension of the Capitol Hill Historic District, which has been expanded to include properties located within the twenty-six blocks comprised of 2<sup>nd</sup> to 15<sup>th</sup> Streets, NE, and F to H Streets, NE, not including the Site or properties within the H Street Overlay. The scope of services for the professional survey will be modified to reflect the expanded area set forth herein. This mitigation item will be implemented within 180 days of the effective date of a non-appealable order from the Zoning Commission.

- Survey and document those potentially eligible structures to be demolished within the Site. This mitigation item will be implemented within 180 days of the effective date of a non-appealable order from the Zoning Commission.

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