

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



ZONING COMMISSION
District of Columbia

CASE NO. 06-34

EXHIBIT NO. 12

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Office of the Director

Memorandum

TO: District of Columbia Zoning Commission
FROM: *JLS/ev*
Ellen McCarthy, Director
Office of Planning
DATE: November 3, 2006
SUBJECT: Supplemental Setdown Report - ZC Application #06-34 (Comstock East Capitol, LLC)
Zoning Map Amendment and Consolidated PUD
1705-1729 East Capitol Street, S.E. (Square 1096, Lots 51-55)

In response to concerns expressed by the Zoning Commission at the setdown presentation on October 16, 2006, the applicant, Comstock East Capitol, LLC, submitted additional information and plans. This report is a response to the information submitted.

Loading Facility

The Zoning Regulations require that the building provide one loading berth at a depth of 55-feet, a delivery space, and a 200 square foot platform. The applicant is proposing to provide the required 200 square foot loading platform, but only one 45-foot deep combined loading and delivery berth. The applicant has stated that the proposed loading facility is appropriate because of the size of the units and the anticipated household. A 55-foot loading berth is required to accommodate large trucks for which access via the twenty foot wide alley would be difficult. Therefore, it is impractical to have a loading dock to which the truck cannot access. It is anticipated that on the rare occasions that the larger trucks come to the site they will obtain permits for temporary parking along East Capitol Street or employ other methods of unloading.

There is a concern that the turning radius into the loading dock is not sufficient to accommodate delivery and garbage trucks. The applicant has provided a detailed drawing showing how the trucks will maneuver within the alley and the loading dock (Plan T-1.0). DDOT will provide further analysis of the loading reduction and the turning radius.

Roof Structures

The applicant has presented two roof plans, A18 and A18A. Plan A18 shows the location of air conditioning units (all removed from the sides of the building), an approximately 750 square feet roof deck, and penthouses that gives access to private terraces for units on the fourth floor below. The size of the private penthouses have been reduced to accommodate only a staircase from the unit below and mechanical equipment. Plan A18A shows the location of additional air conditioning units on top of the penthouses and elevator enclosure. Plan 25 demonstrates how the units will be placed on the roof of the

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penthouse and will not extend higher than the enclosure which has a maximum height of 18.5 feet. Safety guardrails have been added around all patios and walkways.

Rear Façade

The proposed building will feature a front façade composed of a rusticated stone base, brick on the first through third floors and light cementitious siding on the fourth floor. In addition, the projecting bays will be of cementitious siding. This base, middle, and top pattern on the front of the building have been extended to continue around to the sides and the rear façade. Bays, similar to those on the front and balconies have also been added to the rear elevation. The non-court yard areas that are not directly visible from the alley will be of cementitious siding similar in look and color to the brick.

Cellar Level Windows and Window Wells

The front façade includes cellar level windows and window wells. Window wells that are deeper than 30 inches will have safety guardrails. Windows in the cellar level are approximately five feet in height and will not have any safety issues.

Landscaping

The applicant proposes to evaluate and upgrade the landscaping of the public space in front of the building which will include the planting of additional trees along the sidewalk. The improvements will include removing the existing low, brick wall and having the area fully grassed. The Landscaping Plans A1A and L-1.01 shows the landscaping around the building. Along the sidewalk are perennial planter beds which help to define the entrances. The space in front of the building and courtyards will have planter beds, shrubs and trees. The sides of the building have similar type of treatments. The rear of the property will have plantings within the 3-foot rear yard. The west rear courtyard will be accessed from adjacent units and have a paved patio area as well as landscaped area. The eastern most courtyard has the garage exhaust shaft which will be covered with brick and vented away from the courtyard. The rear courtyards are enclosed from the alley by an approximately five foot high wall that will have large potted plants on top to give additional privacy. OP has asked for information on the maintenance of the potted plants.

Rear Alley

The 20-foot wide, two-way alley to the rear of the building is currently in need of repair and the applicant has agreed to work with DDOT to provide an appropriate upgrade to the alley. Residents have also proposed that traffic movement in the alley be changed to one direction only, Plan A1A. Traffic would enter the alley from 18th Street and exit on 17th Street. This change in direction would help reduce traffic conflicts in the alley as well as feed traffic away from the northbound approach of 18th Street to East Capitol Street, which is an unsignalized intersection. The applicant has agreed to study this proposal as part of their traffic study and to coordinate with DDOT.

Public Amenities

In addition to the amenities outlined in the Setdown Report, the applicant has provided additional details on their proposal to provide eleven affordable units or (8% of the total number of units) which will be dedicated for households that have an Area Median Income for the Washington DC Metropolitan Statistical Area of between 60% and 80%. The units will be distributed throughout the building and the mixture of unit types will be comparable to that of the market rate unit types. A draft of the standards under which the commitment will operate are outlined in Attachment 1.

The applicant has indicated a commitment to provide \$10,000 to the Brig Owens “Super Leaders” mentoring and youth leadership program at Eastern High School. Signed agreement and details of what the donation will be assigned.

The applicant has provided a table (Attachment 2) that compares the flexibility requested to the benefits and amenities provided. OP would consider the following items as amenities:

1. 11 affordable units
2. Environmental benefits
3. Landscaping improvements
4. Improvements to the alley
5. Contributions to the Brig Owens mentoring and youth leadership program
6. Improvements to the Eastern High School
9. Participation in a First Source Agreement with the District of Columbia Department of Employment Services and a Memorandum of Understanding with the Local Business Opportunity Commission

RECOMMENDATION

OP believes that the proposed PUD and related map amendment is not inconsistent with the elements of the Comprehensive Plan and recommends that the application be set down for public hearing. The proposed amenity package seems adequate and OP will continue to work with the applicant the community to refine elements of the package. In order to accomplish a more detailed review; the applicant should submit the following information:

- Traffic and Parking Study
- Details of proposed “green building” element.
- Exterior Lighting details
- Details of offsite improvements proposed as part of the amenity and benefit package including the provision of signed agreements.

ATTACHMENTS:

1. Inclusionary Housing Commitment Standards
2. Comparison of Flexibility Requested to Amenities and Benefits Provided

EXHIBIT B

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Comparison of Flexibility Requested to Amenities and Benefits Provided

Development Incentives/Flexibility requested	Benefits/Amenities provided
Height: maximum of 50 feet permitted as a matter-of-right and guideline of 60 feet under PUD; 49.9 feet provided	Housing (§2403.9(f)): 134 units provided, increase of 54 units over existing building
FAR: maximum of 1.8 permitted as a matter-of-right and guideline of 3.0 under PUD; 2.70 provided	Affordable housing (§2403.9(f)): 10,758 square feet, no less than 11 units (8% of the total) to be sold to households making no more than 80% of the Area Median Income for a ten year rolling period; estimated revenue from sale of affordable units = \$2,200,000 (\$200,000/unit); estimated construction cost of affordable units = \$3,861,000 (\$351,000/unit); estimated revenue from sale of comparable market rate units = \$4,500,000 (\$409,000/unit)
Lot occupancy: maximum of 60% permitted as a matter-of-right; 66% provided	Site planning (§2403.9(b)): extensive landscaped grounds and additional planting provided in courtyards; roof decks for unit owners; setbacks from adjoining buildings on the east and west
Rear yard: minimum of 4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the roof or parapet = 16 feet required; 3 feet provided	Architecture (§2403.9(a)): compatible design and massing; brick on the four main sides of the building, excluding the rear courtyards
Loading berth: minimum of 1 55 foot berth and 1 service/delivery loading space required; 1 combined 45 foot berth/space provided	Environmental benefits (§2402.9(h)): cool roof, energy efficient construction

<p>Roof structures: more than one enclosure</p>	<p>Improvement of public alley system (§2403.9(c)):</p> <p>Establishment of one-way westbound configuration</p> <p>repair and repaving (estimated at approximately \$100,000)</p>
	<p>LSDBE commitment (§2403.9(e)): good faith efforts to reach the goal of 35% (approximately \$8,750,000 in construction contracting opportunities, depending upon final project costs)</p>
	<p>DOES commitment (§2403.9(e)): agreement to use DOES as the first source of employment with a goal of 35%</p>
	<p>Social services (§2403.9(g)): \$10,000 contribution to the Brig Owens "Super Leaders" mentoring and youth leadership program at Eastern High School</p>
	<p>Improvement of properties immediately abutting the site (§2403.9(j)): \$30,000 to improve the façades of the proposed Mt. Mariah senior housing building at 17th Street and the existing Drummond apartment building at 18th Street</p>
	<p>Other community benefits (§2403.9(i)):</p> <p>resurfacing and repair or replacement of equipment for 2 community basketball courts at Eastern High school (estimated at \$40,000)</p> <p>installation of trash receptacles at 4 corners of the square (estimated at \$5,000)</p>

EXHIBIT C

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**Planned Unit Development
Inclusionary Housing Commitment Standards**

**(Based Upon the Standards Issued By the Office of the Director of the D.C. Office of
Planning in Previous PUD Cases)**

Development Standards

- Total Square Footage:** Applicant shall commit to reserve no less than 10,758 gross square feet of the total marketable residential square footage for units affordable to households within the targeted income range. This commitment equals eight percent (8%) of the project's gross square foot area and shall equate to the provision of no less than eleven (11) units.
- Unit Types:** The mixture of affordable unit types shall be comparable to the mixture of market rate unit types. The proportion of affordable studios and 1-bedrooms may not exceed the proportional mix of market rate studios and 1-bedrooms.
- Unit Sizes:** Internal square footage of affordable units should be comparable to that of market rate units.
- Unit Distribution:** Affordable apartment units shall be evenly distributed vertically and horizontally throughout the building, except for the top two floors. No floor shall be comprised of 100% affordable units.
- Construction:** External design and materials of affordable units shall be indistinguishable from market rate units. Internally, appliances and finishes shall be comparable, but may be of different quality.

Household Standards

Target Income Range

Eligible households are defined as those households that meet the following:

- Having household income not less than 60% and not exceeding 80% of the Area Median Income for the Washington, D.C. Metropolitan Statistical Area and adjusted for family size:(see below for the summary of current income limits);
- Purchasing or renting their primary residence;
- Have no ownership interest in any other housing within the past three years;
- Commit to continuous occupancy per the lease terms or deed covenants;
- Qualify for any necessary mortgage financing and down payment, and
- Have an income eligibility certification letter by making application to the home purchase assistance programs of the DC Department of Housing and Community Development (DHCD)

Affordability Control Period:

The affordability control period shall be for a time period of ten years from the issuance of the first Certificate of Occupancy for the residential unit.

Initial Housing Cost:

Shall be determined by the District government based on the following assumptions as may be adjusted by future income limits:

- Monthly housing payment shall equal 30% of the Income Limits by family size and unit type.

Unit Type	Household Size	FY 2006 Income Limit
Studio/Efficiency	1 Person Household	\$63,200
1 -Bedroom	2 Person Household	\$72,200
2-Bedroom	3 Person Household	\$81,300

- Purchase assumptions include:
 - 5% Down Payment;
 - Monthly housing payment includes principal, interest, taxes, insurance and condo or home association fees;
 - 30 year term;
 - Current national average interest rate determined by FreddieMac weekly survey of mortgage (see www.freddie.mac.com).
- Rental assumptions include:
 - Housing payment does not include utility allowance.

Final Housing Cost: Shall be determined 60 days prior to marketing of the affordable units using current information for the same assumptions above.

Occupant Selection: Applicant shall hold a lottery of all qualified families to be selected as the Initial Unit Purchasers. Applicant will provide notice of the lottery through advertisements in local newspapers and other vehicles reasonable to ensure broad exposure to potentially eligible purchasers. The Department of Housing and Community Development will also advise existing applicants to its home purchase assistance programs of this affordable housing opportunity. The Initial Unit Purchasers and the Initial Unit Price shall be determined six months prior to the projected completion of the Affordable Units.

Resale Restrictions: Resale During Control Period - The Affordable Units will be restricted (through a deed restriction, covenant and/or other legal means) in their resale for a period of 10 years to: (1) income-eligible homebuyers, a list of whom may be obtained from the Department of Housing and Community Development's applicant pool for home purchase assistance programs; (2) a maximum Purchase Price equal to the Initial Unit Price plus the cumulative change in the consumer price index and the cost of permanent improvements to the Unit; and (3) Sale within a given 10 year affordability restriction period shall create a new 10 year affordability restriction period.

Resale After Control Period - Upon the expiration of the 10-year restricted selling period, the then current Owner of the Unit may sell the Unit without restriction but the sales proceeds shall be allocated as follows:

First, to the-seller in the amount of the original sales price plus the cumulative change in the consumer price index, the cost of permanent improvements to the Unit, the closing costs paid by the seller at closing and a reasonable sales commission.

The remainder shall be split equally between the seller and a District of Columbia government fund dedicated to the provision of affordable housing.

Enforcement: If District funds are used to underwrite the affordable units, the restrictive covenants applicable to the contributing funding source used will apply.

If District funds are not used to underwrite the affordable units, restrictive covenants shall apply until the affordable Housing Production Trust Fund receives the appropriate contribution from the sale of the unit.

The District government shall retain all rights to enforce the provisions of the affordability covenants, according to the provisions of this document or such enforcement mechanisms as the District government may deem appropriate. The District government shall have the right to recapture any enforcement costs.

Procedural Changes:

The substance of any of the; above clauses that are included in deed restriction terms may not be modified without consent of both the unit owner(s) and the District government Administrative, monitoring and enforcement mechanisms not included in deed restrictions may be modified at the sole discretion of the District government.