

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



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Office of the Director

**Memorandum**

**TO:** District of Columbia Zoning Commission  
**FROM:** *XLS fw*  
Harriet Tregoning  
Director  
**DATE:** June 8, 2007  
**SUBJECT:** Final Report - ZC Application #06-34 (Comstock East Capitol, LLC)  
Zoning Map Amendment and Consolidated PUD  
1705-1729 East Capitol Street, SE (Square 1096, Lots 51-55)

**APPLICATION**

Comstock East Capitol, L.L.C. (applicant) requests a Consolidated Planned Unit Development (PUD) and related map amendment from the R-4 district to the R-5-B district to allow for the construction of a four-story, 133-unit residential development at 1705-1729 East Capitol Street SE.

**OFFICE OF PLANNING RECOMMENDATION**

The proposed development would lead to the replacement of three old apartment buildings at this prominent location along East Capitol Street, NE, and will be of a size and density that is consistent and complementary to the neighborhood. The applicant has included improvements and grants that would be beneficial to the new residents, the adjacent neighbors, the larger community, and the District. The proposed PUD and related map amendment is not inconsistent with the elements of the Comprehensive Plan and recommends approval of the proposal development with the following conditions:

Conditions

1. Provide the requested information regarding the specifications for the balconies.
2. Provide signed First Source Agreement with the District of Columbia Department of Employment Services and a Memorandum of Understanding with the Local Business Opportunity Commission prior to the issuance of a final order.
3. Provide a signed agreement with Capitol Hill Community Foundation prior to the issuance of a final order.
4. Continue to work with DDOT regarding the upgrade of the sidewalk and the alley.

ZONING COMMISSION  
District of Columbia

CASE NO. *06-34*

*EXHIBIT NO. 1*

## **SITE AND SURROUNDING AREA**

The subject property, Square 1096, Lots 51 to 55, has a total land area of 42,629 square feet and is currently improved with three apartment buildings, each three stories, with a total of 81 units. The buildings are currently vacant. The property fronts onto East Capitol Street, SE, and Eastern High School on the north; a twenty-foot wide public alley and rowhouses on the south; a two-story, vacant, apartment building owned by Mt. Moriah Baptist Church and 17<sup>th</sup> Street, SE to the west; and the two-story, Drummond Condominium and 18<sup>th</sup> Street, SE to the west. The property sits above East Capitol Street, SE and is generally flat with a slight slope running west to east. (Attachments 1 and 2)

The site is located in the Hill East neighborhood of Ward 6, which generally consists of a mixture of rowhouses, garden apartments, and institutional uses within the R-4 district. A small C-2-A District is located a two blocks west of the site along the 16<sup>th</sup> Street corridor. The Robert F. Kennedy (RFK) Stadium, the District of Columbia (DC) Armory, the Stadium/Armory Metro Station, and the new St. Coletta School of Washington on the Reservation 13 tract are located two blocks east of the site. The site is not within a historic district.

## **PROJECT DESCRIPTION**

The applicant proposes to demolish the existing apartment buildings and replace it with a single, 4-story, 133 unit building consisting of a mixture of studios, one-bedroom, two-bedroom, one-bedroom plus den, and two-bedrooms. A meeting room, a recreation room and 113 parking spaces would be provided underground for the residents of the building.

## **PROPOSED ZONING**

Section 5-413 of the Zoning Act sets out the criteria that the Zoning Commission must apply in adopting zoning regulations. The underlying purpose of the regulations is “to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development of the national capital.”

The site is zoned R-4, which permits matter-of-right development of single-family residential uses including detached, semi-detached, row dwellings, and flats. The applicant is requesting a PUD related rezoning to the R-5-B zone to accommodate multi-dwelling use on the site. The R-5-B district permits a mixture of single-family dwellings, flats and apartment buildings. The overall goal of the PUD is to permit flexibility of development and other incentives such as increased building height and density provided the project offers a commensurate number or quality of public benefits and that it protects the public health, safety, convenience and welfare. The proposed map amendment coupled with the accompanying PUD is intended to facilitate a site-specific project and ensure a quality development at a scale that is consistent with the adjacent neighborhood.

The following table is a comparison of the development standards of the existing R-4 zone, the proposed R-5-B PUD standards, and the proposed development:

**Table 1**

|                  | <b>R-5-B PUD Standards</b>  | <b>Proposal</b>   | <b>Deviation</b>   |
|------------------|---|---|--|
| Area             | 1 ac. minimum (43,560 sq. ft.)  | 0.98 acres (42,629 sq. ft.)   | 931 sq. ft. or 2%  |
| Height           | 60 ft. maximum  | 48.5 ft.  | n/a  |
| FAR              | 3.0 maximum   | 2.73  | n/a  |
| Lot Occupancy    | 60% maximum   | 66%   | 6%   |
| Lot Width        | None  | 320.33 ft.  | n/a  |
| Rear Yard        | 16 ft. minimum  | 3 ft.   | 13 ft.   |
| Side Yard        | 12.12 ft min. (3" per ft of height)   | 21 ft. and 29 ft.   | n/a  |
| Parking          | 0.5 spaces per unit or 67 spaces  | 0.84 space per unit or 113 spaces   | n/a  |
| Penthouse Height | 18.5 ft. maximum  | 12.5 ft.  | n/a  |
| Loading          | 1 - 200 sq. ft. platform<br>1 - 20 ft. deep service/delivery space<br>1 - 55 ft. deep loading berth | 1 - 200 sq. ft. platform<br>1 - 45 ft. deep combined service/delivery space and loading berth | 1 - 20 ft. deep service/delivery space<br>1 - 55 ft. loading berth |

**ANALYSIS**

**Zoning Flexibility**

As seen on the table above, the proposal does not meet all the requirements of the PUD/R-5-B district, and has requested flexibility to deviate from the standards.

**Area Requirement**

The subject property has a total square footage of 42,629 square feet. Section 2401.1 states that the minimum area required for PUDs in the R-5-B district is one-acre or 43,560 square feet. Section 2401.2 allows the Commission to waive up to fifty percent (50%) of the requirement provided that:

- (a) *The Commission shall find after the public hearing that the development is of exceptional merit and in the best interest of the city and country;" and*
- (b) *If the development is located outside of the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto."*

As will be demonstrated later in our analysis and this report, OP believes that the development is exceptional and will be in the best interest of the City in that the architecture and façade of the building is compatible with surrounding area, there is extensive landscaping, improvements to the front sidewalk and rear alley, the provision of affordable units for moderate income residents, and the redevelopment of the site that has remained vacant for some time along one of the City’s main thoroughfares.

The square footage of the lot amounts to 931 square feet or two percent less than that required. The subject property is outside of the Central Employment Area and the proposed development would be exclusively residential.

### Lot Occupancy and Rear Yard

The applicant proposes to increase the lot occupancy from the allowed 60% to 66% and reduce the rear yard setback from 16 feet to three feet. The applicant would increase the side yards from the minimum 12.12 feet to 21 feet and 29 feet. This increase in the side yards would provide a greater setback and would increase the light and air between the proposed building and the existing apartment buildings to the east and west which they do not currently enjoy. To balance expanding the side yards, the building would extend into the required rear yard in order to maintain efficiencies in the development of the property.

The reduction in the rear yard would not have a detrimental effect on adjacent properties to the rear or the building. These are separated by a 20-foot wide alley and the depth of their rear yards average approximately 100-feet. This distance would reduce the perceived massing of the building and would not negatively impact their light, air, and privacy. There was a concern that this rear yard was narrow and could result in an area that is littered with trash. However, the applicant has assured the residents that this area will be landscaped and maintained free of debris and trash by the homeowners association.

### 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 a 45-foot deep combined loading and delivery berth. The reduction in size of the required loading facility seems appropriate and is based on the size of the units and anticipated household sizes. A 55-foot loading berth accommodates large trucks such as tractor trailers and access to the loading dock would be via the twenty foot wide alley which would be very difficult. It is therefore impractical to have a loading dock of that size to which the truck cannot access. It is anticipated that if occasions a larger truck has to visit the site, it would be required to obtain a permit for temporary parking along East Capitol Street or employ some other methods of loading/unloading.

Access to the loading area would be from 18<sup>th</sup> Street via the alley. This would alleviate any traffic impacts along East Capitol Street. Following concerns expressed that the turning radius into the loading area from the alley would not be sufficient to accommodate delivery and garbage trucks, the applicant provided a detailed drawing showing the turning radius (Plan T-1.0). Although not specifically stated in their report, DDOT has conveyed to OP in conversations that the stated turning radius is sufficient for trucks entering and exiting the loading area onto the alley.

### Roof Structures

Due to the shape of the building and the placement of the elevators it is difficult and impractical to satisfy the single enclosure requirement. This enclosure would likely be more visible from the sidewalk than the proposed multiple enclosure. Plan A18 shows the location of air conditioning units (all removed from the sides of the building) and housed within three enclosures. There is also an approximately 750 square feet roof deck that can be accessed by all the residents of the building, and penthouses that gives access to private terraces for units on the fourth floor below. The size of the private penthouses has been reduced to accommodate only a staircase and mechanical equipment that serve the units below. All rooftop enclosures satisfy the 1:1 setback requirement. There are a number of enclosures on the roof and their heights are as follows:

- Penthouse enclosures - 10.0 feet
- Air conditioning enclosure - 3.5 feet
- Elevator to the roof - 15.0 feet
- Elevator to the 4<sup>th</sup> floor override – 4.83 feet
- Private patio enclosures – 10.0 feet

**Purpose and Standards for Planned Unit Developments**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. A PUD is “designed to encourage high quality developments that provide public benefits.” The proposed development would be constructed on a property that is currently underutilized and would aid in the objective of the City to increase the number of residents within the City.

Pursuant to Section 2402.3, the applicant has elected to file a consolidated PUD. The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”

Based on the information provided, OP believes that the project would be designed such that it does not negatively impact the neighboring community. The proposed PUD site is relatively underdeveloped and the planned unit development approach provides the beneficial site planning and design flexibility that this project requires to be incorporated smoothly into a community that is comprised of a mixture of uses such as rowhouses, apartments and schools.

The proposed development has a number of qualities that would benefit the new residents, those who live in the immediate neighborhood and the District in general. The property is conveniently located and easily accessed due to its proximity to the Stadium Armory Metro Station and metrobus routes.

**PUBLIC BENEFITS AND AMENITIES**

**The Project**

The proposed development would have 133 units consisting of the following unity types:

|               |                  |
|---------------|------------------|
| 2-bedroom     | 51 units         |
| 1-bedroom/den | 4 unit           |
| 1-bedroom     | 52 units         |
| Studio        | 26 units         |
| <b>TOTAL</b>  | <b>133 UNITS</b> |

Requests have been made to the applicant to provide some three bedroom units in the development. It is believed that the three bedroom units would accommodate families and be an asset to the Eastern High School. The applicant has stated that they have analyzed the possibility of including this unit type into the development but it is not economically feasible.

Sections 2403.5 - 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the

degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§ 2403.12).

Amenity package evaluation is based on an assessment of the additional development gained through the application process. In this instance, the R-4 district would allow a development of approximately 76,750 square feet. The proposal is for a total of 116,474 square feet or 39,724 square feet over a matter-of-right, R-4 development. The applicant is seeking relief from the lot occupancy, side yard and loading requirements all of which have the potential to negatively impact the surrounding neighborhood. However, the applicant has provided mitigation measures to minimize any negative impacts on the surrounding neighborhood.

OP believes that the benefits to the community from the proposed project compensate for the additional FAR and flexibility requested. Section 2403.9 outlines ways in which benefits and amenities may be exhibited.

- (a) *Urban design, architecture, landscaping, or creation or preservation of open spaces;*
- (b) *Site planning, and efficient and economical land utilization;*

The façade of the building has gone through many reiterations that have resulted in a façade treatment that is satisfactory to both ANC-6A and ANC-6B and would complement the adjacent ornate architecture of Eastern High School and the general Capitol Hill architecture. The building would be seen as being appropriate for this location at the entrance into the City along on of its main thoroughfare. The proposed multifamily building would have its mass broken up by bays, court yards, and multiple entrances along East Capitol Street. The building would feature a front façade composed of a grey, rusticated stone base, red brick combined with cementitious siding on the first through third floors and a grey panelized Hardiplank on the fourth floor and the penthouse enclosures. In addition, there will be projecting bays of contrasting shades also of cementitious siding. The base, middle, and top pattern on the front of the building are featured on all sides of the building and which is important because the building is fully exposed on all sides. Therefore, the same level of detail is provided an all sides. Bays, similar to those on the front of the building, and balconies have also been added to the rear façade. The non-court yard areas that are not directly visible from the alley would be of cementitious siding similar in look and color to the brick. The similar articulation on all sides of the building is indicative of a building that is of a superior quality, as required by the PUD process.

The use of the bays and ornate crown molding and the proposed building materials would complement the Capitol Hill architecture of its rowhouses and apartment buildings. In addition, to give the building a rowhouse look, there are multiple entrances into the building along East Capitol Street. The building height would also serve as a transition from the larger and higher Eastern High School building to the rowhouses to the rear of the property. The façade includes cellar level windows and window wells of varying depths. Window wells that are deeper than 30 inches will have safety guardrails (there are 31 window wells on the front and sides of the building 14 of which are at a depth that require railing).

ANC-6A has requested that the applicant provide information regarding the materials to be used on the balconies in order to limit the visibility of unsightly items and the look and feel of suburban garden

apartments. The applicant has stated that they will provide the balcony specifications prior to the public hearing.

### Landscaping

Landscaping around the proposed building would be a prominent feature of the proposal. Sheets AIA and L-1.0 show on- and off-site landscaping to improve the property as well as the surrounding area. On-site landscaping would include shrubs, flowering plants, ground cover and trees of various types and sizes. The use of flowering beds and cherry trees will infuse color and enhance the building. Along the sidewalk are perennial planter beds which help to define the entrances into the building. The space in front of the building and courtyards will have planter beds, shrubs and trees. The sides of the building have a similar type of treatments for decoration as well as buffer building from adjacent properties. Special landscaping treatment of trees and shrubs would be provided to buffer the loading areas. The rear of the property would have shrubs within the 3-foot rear yard. The courtyards would be accessed from adjacent units and would have paved patios and landscaping. The courtyards are enclosed from the alley by an approximately five foot high wall that would have large potted plants on top to give additional privacy but at the same time provide light into the courtyards. The easternmost court-yard has the garage exhaust shaft which will be covered with brick and vented away from the courtyard.

The landscaping of the public space in front of the building would be upgraded, and would include the planting of four additional trees along the sidewalk. The existing low, brick wall would be removed and the area fully grassed. To help beautify the entire block the applicant is working with Mt. Moriah church to extend the landscaping along the East Capitol frontage of their building. This will provide some consistency in landscaping along this block of East Capitol Street. The landscaping along the Drummond Condominium building is in good condition and well maintained and therefore will remain. The applicant has also offered to replace missing trees along the right-of-way in front of Eastern High School as well as providing additional trees to the apartments/condominiums between 17<sup>th</sup> and 18<sup>th</sup> Streets and East Capitol Street and A Street, SE. The applicant has offered to landscape the parking lot to the rear of property that is used by residents of the Drummond Condominiums. As part of the beautification of the area around the property the applicant would replace the sidewalk along East Capitol Street between 17<sup>th</sup> and 18<sup>th</sup> Streets.

### Lighting

Building mounted lighting would be provided along the side and rear of the building to help increase safety and convenience of use of the alley. The lights on and around the building would be located so that there is not spill-over onto adjacent properties. The type of lighting fixture proposed to meet these specifications is a "Floating" wedge, the specifics of which are given in the applicant's submission dated May 29, 2007, Exhibit B.

- (c) *Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;*

### Parking

Parking on the site would be provided in two underground levels. Based on a requirement of 0.5 spaces per unit a total of 67 spaces are required. Although the site is within three blocks of the Stadium Armory Metro Station, the applicant is proposing to provide parking at a ratio of 0.84 spaces per unit or 113 spaces, 46 spaces above the requirement. The spaces and drive isle meets the parking requirement.

The applicant would also provide compact spaces that are not in groups of five as required in Section 2115.4. The applicant asserts that the compact spaces are being provided over and above the required number of spaces and therefore the requirements of Section 2115.4 does not apply. OP believes that although these spaces are above that required, the extra spaces should comply with the requirement.

The extra spaces provided would help to reduce on-street parking on neighborhood streets. Parking spaces would be offered to each unit that is bought. Spaces that are not purchased would be conveyed to the home owners association (HOA). It should be noted that the property is two block southeast of the Stadium Armory station which is served by the Blue and Orange lines. Additionally, five Metrobus routes are within the vicinity of the site. To encourage the use of public transportation OP would have preferred that the parking provided on site was reduced to the required number of spaces. However, the community expressed concerns about new residents parking on neighborhood streets. To support alternate use of transportation, areas for parking bicycle are provided in the parking garage. The applicant has stated that the development will not have a significant impact on traffic in the area and the Department of Transportation (DDOT) agrees (Exhibit 34).

#### Rear Alley and Sidewalk Improvements

The 20-foot wide, two-way alley to the rear of the building is currently in need of repair and the applicant has committed to working with DDOT to resurface and upgrade the entire alley. Residents have proposed that traffic movement in the alley be changed to one direction only, Plan A1A. Traffic would enter the alley from 18<sup>th</sup> Street and exit on 17<sup>th</sup> Street. This change in direction would help reduce traffic conflicts in the alley as well as feed traffic away from the northbound approach of 18<sup>th</sup> Street to East Capitol Street, which is an unsignalized intersection. DDOT in their report (Exhibit 34) states that they will work with the applicant to achieve these changes for the public alley.

To further improve the public right-of-ways in the neighborhood, the applicant has agreed to replace the existing sidewalk on the south side of East Capitol Street between 17<sup>th</sup> and 18<sup>th</sup> Streets at their expense based on specifications approved by DDOT.

#### *(d) Employment and training opportunities;*

The applicant is committed to participating in a First Source Agreement with the District of Columbia Department of Employment Services and would obtain a Memorandum of Understanding with the Minority Business Opportunity Commission. Written agreements should be provided prior to the final order.

#### *(e) Housing and affordable housing;*

The applicant has offered to provide 11 or 8% of the total units to be dedicated for households that have an Area Median Income (AMI) for the Washington DC Metropolitan Statistical Area of between 60% and 80%. The affordable dwelling units (ADU) will be distributed throughout the building and the mixture of unit types will be comparable to that of the market rate unit types. The ADU mix would be as follows:

|               |         |
|---------------|---------|
| 2-bedroom     | 5 units |
| 1-bedroom/den | 1 unit  |

|           |          |
|-----------|----------|
| 1-bedroom | 3 units  |
| Studio    | 2 units  |
| TOTAL     | 11 UNITS |

The applicant has committed to the standards outlined under the Inclusionary Zoning (IZ) regulations of Chapter 26 and summarized in Attachment 3. OP notes that 8% is the standard IZ requirement but because the final IZ program has not yet been implemented the ADU qualify as an amenity.

*(f) Environmental benefits, such as stormwater runoff controls and preservation of open space or trees;*

The applicant is committed to making the building energy efficient and environmentally friendly and the RFP will include a requirement that the developer pursue "silver" LEED certification. All stormwater runoff controls will be onsite and connect to the public system in the vicinity of the sits.

Although the applicant has not committed to a LEED certified building, they have committed to providing energy efficient and environmentally sustainable building materials and practices in the development and construction of the project. These items may include but not limited to stormwater management, landscape and hardscape design, water reducing fixtures, "cool-roof" design, energy efficient appliances, and thermal mass and low-e windows. (Exhibit D of applicants November 28, 2006 submission)

*(i) Uses of special value to the neighborhood or the District of Columbia as a whole;*

The applicant has an agreement to provide \$10,000 to the Brig Owens "Super Leaders" mentoring and youth leadership program at Eastern High School. The contribution will be assigned to funding existing and ongoing youth leadership and scholarship programs. (Exhibit H of applicant's May 29, 2007 submission)

The applicant has an agreement with the District of Columbia Public Schools to resurface, repair, and replace equipment on the basketball courts at Eastern High School. This basketball court is also used by residents of the community when school is not in session. (Exhibit I of applicant's May 29, 2007 submission)

The applicant has an agreement with the Drummond Condominiums to make exterior improvements at a cost of \$15,000 to the condominium building. Improvements would include pressure washing, brick and mortar point-up, and exterior painting. OP does not consider this an amenity. (Exhibit F of applicant's May 29, 2007 submission)

The applicant has had discussions with representatives of Mt. Moriah Baptist Church to provide exterior improvements to the adjacent apartment building. The improvements will include pressure washing, brick and mortar point-up, exterior painting, and landscaping. OP understands that the applicant is continuing to work with the representatives of Mt. Moriah and should have an agreement prior to final order.

The applicant has stipulated that they will participate in a First Source Agreement with the District of Columbia Department of Employment Services and will obtain a Memorandum of Understanding with

the Local Business Opportunity Commission. These agreements should be provided prior to final action by the Zoning Commission.

The applicant is continuing to work with ANC-6A to provide additional grants for improvements to recreational infrastructure or programs at Eastern High School. In their May 29, 2007 submission the applicant has stipulated that they will provide \$25,000 to the Capitol Hill Community Foundation<sup>1</sup> to disburse the grants for the qualified programs. The applicant is anticipating an agreement with the Foundation prior to the public hearing.

### **Summary of Public Amenities**

The following is a summary of the items offered which OP considers to be public amenities:

- 11 affordable dwelling units
- Off-site landscaping, sidewalk and alley improvements
- \$10,000 to the Brig Owens program
- Refurbishing of the basketball courts at Eastern High School
- Environmentally friendly construction practices and materials
- First Source Agreement with the District of Columbia Department of Employment Services and a Memorandum of Understanding with the Local Business Opportunity Commission

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

The District of Columbia Future Land Use Map recommends the subject site for moderate-density residential with row houses and garden apartment and also includes low density housing. Section 2403.4 of the Zoning Regulations requires that the application be “not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.” The density allowed under the proposed R-5-B district is within the moderate density residential category and is therefore not inconsistent with the Map.

The new Comprehensive Plan, December 2006, outlines many policies and actions for development in the District. The proposed development meets many of the policies in the Citywide Elements and in the Capitol Hill Element.

### **LAND USE ELEMENT**

#### **LU-2.1.3: A City of Neighborhoods**

##### **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. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.*

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<sup>1</sup> The Capitol Hill Foundation is a non-profit organization that was founded in 1989 and is funded entirely by voluntary contributions with 100% of the contributions going back to the community. The Foundation funds school based and after school enrichment programs, streetscape beautification, arts education, and many other worthy community efforts. The organization is currently involved in fundraising for the Eastern Market merchants

The proposed development would replace outdated residential structures that have been vacant for some time with a modern building. The proposed development would bring back residential use to the property and help in improving the neighborhood. The architecture of the building would be reflective of the Capitol Hill rowhouses and apartment buildings and provide a transition between the Eastern High School building to its north and rowhouses to its south. Other assets that would accompany the redevelopment of the site would include improved sidewalk and alley, extensive landscaping of the property and adjacent properties, replacement of trees, and other benefits that would help to improve the neighborhood.

**Policy LU-2.1.8: Zoning of Low and Moderate Density Neighborhoods**

*Discourage the zoning of areas currently developed with single family homes, duplexes, and rowhouses (e.g., R-1 through R-4) for multi-family apartments (e.g., R-5) where such action would likely result in the demolition of housing in good condition and its replacement with structures that are potentially out of character with the existing neighborhood.*

The existing structures on the site are old, outdated, have been vacant for sometime, and have attracted rodents and vagrants to the area. The proposed development would bring back residential use to the site in a slightly larger structure that would be more reflective of the architecture of Capitol Hill. The density is consistent with that of the neighborhood.

**Policy LU-2.1.11: Residential Parking Requirements**

*Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrate.*

The proposed development would exceed the required number of parking spaces. The parking spaces would be placed beneath the building and accessed from the rear of the building thereby avoiding any conflicts with traffic along East Capitol Street. This allows for an attractive front yard that is not interrupted by curb cuts.

**LU-2.2 Maintaining Community Standards**

**Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings**

*Reduce the number of vacant and abandoned buildings in the city through renovation, rehabilitation, and where necessary, demolition. Implement programs that encourage the owners of such buildings to sell or renovate them, and apply liens, fines, and other penalties for non-compliant properties.*

The proposed development would replace an old, unattractive building that has been vacant and boarded up for along time.

**Policy LU-2.2.4: Neighborhood Beautification**

*Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.*

The intended development would be a great improvement to the neighborhood because of improvements that are both off and on-site. Along with a building that would be surrounded by extensive landscaping, off-site improvements would include the replacement of the sidewalk and alley in that block as well as supplemental street trees and plantings on adjacent properties. Other improvements to adjacent buildings will help the overall look of the neighborhood.

**TRANSPORTATION ELEMENT**

**T-2.3 Bicycle Access, Facilities, and Safety**

**Policy T-2.3.3: Bicycle Safety**

*Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist.*

The applicant would provide bicycle parking spaces in the underground parking area.

**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.*

The applicant would replace the sidewalk on the south side of East Capitol Street between 17<sup>th</sup> and 18<sup>th</sup> Streets.

**HOUSING ELEMENT**

**H-1.1 Expanding Housing Supply**

**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.*

**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.*

The proposed residential development by a private developer would be consistent with the land use designation of the Comprehensive Plan and with the surrounding development of rowhouses and apartment buildings. The development would meet the needs of present and future residents and would increase home ownership in the District.

**Policy H-1.1.5: Housing Quality**

*Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.*

The applicant would provide 11 affordable dwelling units that would be at a ratio similar to the market rate unit types and would be distributed throughout the building.

**ENVIRONMENTAL PROTECTION ELEMENT**

**E-3.2 Promoting Green Building**

**Policy E-3.2.1: Support for Green Building**

*Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities.*

The development would not be a LEED certified building. However, it would contain many environmentally sensitive elements such as a “cool roof” to reduce the heat island effect; an on-site infiltration system for stormwater before release; and the use of environmentally sensitive building materials in the construction of the building.

**PARKS, RECREATION AND OPEN SPACE ELEMENT**

**PROS-4.3 Open Space and Cityscape**

**Policy PROS-4.3.3: Common Open Space in New Development**

*Provide incentives for new and rehabilitated buildings to include “green roofs”, rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance.*

**Policy PROS-4.3.4: Protection of Open Space in Multi-Family Development**

*Recognize the implicit value of the lawns, courtyards, gardens, and other open areas that surround many of the District’s older high- and medium-density residential buildings. Discourage the practice of building on these areas if the historic proportions and character of the original buildings would be compromised.*

The building would have a cool roof and a combination of lawns, courtyards, gardens and open space. These open space and landscaped areas would provide both visual relief and be a great aesthetic value to the neighborhood.

## **URBAN DESIGN ELEMENT**

### **UD-2.2 Designing for Successful Neighborhoods**

#### **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.*

The height and density proposed for the proposed development would be complementary in scale to adjacent developments in the neighborhood and the architecture would be complementary to the Capitol Hill townhouse character with some of the characteristics of neighboring institutional buildings.

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

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

The property is across from the Eastern High School building which has a very distinctive architecture and mass. The proposed building draws some of its massing from this building and some of its façade articulation from the characteristics of the Capitol Hill townhouses.

#### **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.*

The proposed development forms a transition in height, scale and mass between the large institutional building, Eastern High School, to its north and the smaller rowhouses to the south. The perceived height and mass of the building is further reduced because of the alley and the large rear yard setbacks that are on the rowhouse properties.

## **CAPITOL HILL ELEMENT**

### **CH-1.1 Guiding Growth and Neighborhood Conservation**

#### **Policy CH-1.1.1: Conserving Residential Uses**

*Maintain the integrity and quality of Capitol Hill's residential uses, and recognize the importance of its historic architecture and housing stock to the entire District of Columbia. Ensure that Comprehensive Plan and zoning designations for Capitol Hill neighborhoods sustain its moderate density land use pattern.*

The proposed zoning, density, scale and architecture of the proposed development would be consistent with those of many apartment and rowhouse developments in the immediate neighborhood and Capitol Hill.

**Policy CH-1.1.7: Alleys**

*Protect Capitol Hill's system of historic alleys and develop plans for the use of large block interior spaces where appropriate. These plans should be developed in coordination with the affected Advisory Neighborhood Commissions, residents, and community groups.*

The alley which abuts the property is not historic but it is important to the development and the adjacent neighborhood. The applicant has worked with the ANC as well as adjacent neighbors and has agreed to resurface and improve the alley as well as an adjacent parking lot. At the request of the neighbors, the applicant would also work with DDOT to make the alley one-way for improved traffic movements.

**CH-1.2 Conserving and Enhancing Community Resources**

**Policy CH-1.2.3: L'Enfant Avenues**

*Protect and preserve the special character, scale, and historic features of the major L'Enfant Plan avenues that cross Capitol Hill, especially Massachusetts Avenue, Pennsylvania Avenue, and East Capitol Street.*

The property fronts on East Capitol Street. The redevelopment of this property is important to this thoroughfare as it will assist in the areas revitalization by replacing a building that has been vacant and unproductive for some time.

**Policy CH-1.2.8: Streets as Open Space**

*Maintain and enhance "functional" open space within Capitol Hill, particularly the landscaped areas contained within street rights-of-way. These areas include the Pennsylvania Avenue esplanade, the numerous triangle parks along diagonal streets, public plazas such as the area around Eastern Market Metrorail, and the front "yards" of most Capitol Hill row houses, portions of which are located within the public right-of-way.*

As well as providing extensive on-site landscaping the applicant would supplement the existing trees along the 1700 Block of East Capitol Street.

**AGENCY REFERRALS AND COMMENTS**

The following agencies responded to OP requests for review of the proposed development.

**Department of Transportation**

DDOT has submitted a report under separate cover (Exhibit 34) and states their support for the proposed development and that it would not cause negative impact on traffic in the area.

### **Metropolitan Police Department**

The Metropolitan Police Department (MPD) submitted a letter dated March 12, 2007 (Attachment 4) and states that they have no objection to the proposed development. They offered comments relating to off-street parking and that construction companies adhere to the District's security plan during construction.

### **Fire and Emergency Medical Services Department**

The DC Fire and Emergency Medical Services Department in a letter dated March 9, 2007 (Attachment 5) states that they have no objection to the project provided that there is acceptable access for emergency vehicles and the development complies with Fire and Building Codes.

### **COMMUNITY OUTREACH**

The applicant has had a number of meetings and discussions with community and neighborhood groups as well as with ANC 6A and ANC-6B. The applicant has received support from ANC-6B, within whose boundary the property is located, and adjacent residents. ANC-6A has submitted letters objecting to the project. However, the applicant has been working with ANC-6A to resolve their concerns. The main issues that remain to be resolved are the provision of three bedroom units and the provision of a Traffic Management Plan to keep construction vehicles off residential streets.

### **RECOMMENDATION**

The proposed development would lead to the replacement of old apartment buildings and would be of a size and density that is consistent and complementary to the neighborhood. The applicant has included improvements and grants that would be beneficial to the new residents, the adjacent neighbors, the larger community, and the District. The proposed PUD and related map amendment is not inconsistent with the elements of the Comprehensive Plan and recommends approval of the proposal development with the following conditions:

#### **Conditions**

1. Provide the requested information regarding the materials for the balconies.
2. Provide signed First Source Agreement with the District of Columbia Department of Employment Services and a Memorandum of Understanding with the Local Business Opportunity Commission prior to the issuance of a final order.
3. Provide a signed agreement with Capitol Hill Community Foundation prior to the issuance of a final order.
4. Continue to work with DDOT regarding the upgrade of the sidewalk and the alley.

**ATTACHMENTS:**

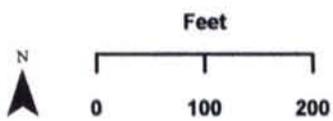
- 1. Aerial Photograph**
- 2. Area Map**
- 3. Inclusionary Housing Commitment Standards**
- 4. Memorandum from Metropolitan Police Department**
- 5. Memorandum from Fire and Emergency Medical Services Department**

HT/mbr AICP



CP100010206

**Comstock East Capitol**  
**1705-1729 East Capitol Street, S.E.**  
**Zoning Commission # 06-34**



★ ★ ★ Government of the  
 District of Columbia  
 Anthony A. Williams, Mayor

Office of Planning - October 4, 2006

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

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|--|--------------------------|
|  | Water                    |
|  | Street Centerlines       |
|  | Development Review Sites |
|  | Zoning Districts         |



CP/00102210



★ ★ ★ Government of the  
 District of Columbia  
 Adrian Fenty, Mayor

Office of Planning – May, 2007

This map was created for planning  
 purposes from a variety of sources.  
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**Location**  
**Comstock East Capitol**  
**1705-1729 East Capitol Street, S.E.**  
**Zoning Commission # 06-34**

|  |                          |
|--|--------------------------|
|  | Water                    |
|  | Street Centerlines       |
|  | Development Review Sites |
|  | Zoning Districts         |
|  | Zoning Districts         |
|  | Buildings                |
|  | Major Roads              |
|  | Street Centerlines       |
|  | Alleys and Parking       |
|  | Alleys                   |
|  | Curbs                    |
|  | Interstate Highways      |
|  | Public School Buildings  |
|  | Roads                    |
|  | Street Centerlines       |

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



Office of the Director

Planned Unit Development  
Inclusionary Housing Commitment Standards

Zoning Commission Case No. 06-34

**Development Standards**

**Total Square Footage:** Applicant shall commit to reserve 11 net square feet of the total marketable residential square footage for units affordable to households within the targeted income range.

**Unit Types:** The mixture of affordable unit types shall be comparable to the mixture 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 market rate units.

**Unit Distribution:** Affordable units shall be reasonably distributed vertically and horizontally throughout all building and/or phases of the project. Affordable units shall not constitute a majority of units on any floor, building or phase of the project. Nor shall any floor, building or phase of the development contain 100% of the 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 criteria:

- Having household income not exceeding the 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 per the requirements of Chapter 26 of the Zoning regulations.

**Initial Housing Cost:** Shall be determined based on the following assumptions

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

| Unit Type         | Household Size     | 2007 Income Limit |
|-------------------|--------------------|-------------------|
| Studio/Efficiency | 1 Person Household | \$50,560          |
| 1-Bedroom         | 2 Person Household | \$57,800          |
| 2-Bedroom         | 3 Person Household | \$65,000          |
| 3-Bedroom         | 5 Person Household | \$79,460          |

- 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.com](http://www.freddie.com) ).
- Rental assumptions include:
  - Housing payment includes rent and a 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.

**Affordability Restrictions:** The Affordable Units will be restricted (through a deed restriction, covenant and/or other legal means in their rent or resale for the life of the project to: (1) income-eligible homebuyers, s; (2) a maximum purchase price or rent equal to the initial unit price or rent plus the cumulative change in the consumer price index.

**Enforcement:** 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.

**Metropolitan Police Department**  
Regional Operations Command-Central  
First District



March 12, 2007

**MEMORANDUM**

**TO:** Maxine Brown-Roberts, AICP  
Development Review Specialist, OP

**THRU:** Assistant Chief of Police  
Regional Operations Command- Central

**FROM:** Commander  
First District

**SUBJECT:** Comments regarding Construction in 1700-1800 blk of East Capital ST,  
SE

On March 12, 2007, the undersigned received notice that a 134 unit apartment building was slated to be built in the 1700 blk of East Capital St. SE. The undersigned has no objections to such construction but offer the following comments:

- Zoning announcement has 17000 block – it should read 1700 blk
- Ensure private parking is allotted to these residents prior to approval – there is lack of off street parking there
- Ensure that the construction company adheres to permitting rules set forth by City and that security plan is developed during construction phase

Diane C. Groomes  
Commander

*3/12/07*

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT  
WASHINGTON, D.C. 20001



**MEMORANDUM**

**TO:** Maxine Brown-Roberts, AICP  
Development Review Specialist

**FROM:** Gary L. Palmer, Jr.   
Acting Fire Marshal

**DATE:** March 9, 2007

**SUBJECT:** Zoning Commission Application 06-34 (Comstock Homes) Consolidated  
Planned Unit Development and Related Zoning Map Amendment

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The D. C. Fire and EMS Department has reviewed the above request.

Based on the plans submitted and an on-site visit to the property, we have no objection to this request, provided the development has acceptable Fire Department access and new construction complies with the current Fire and Building Codes (2000 Edition of the International Fire and Building Codes), along with D.C. Law 2-90.

If you have any questions concerning this review, please contact my office at 727-3659.