

January 30, 2007

To: Jennifer Steingasser, Chief, Development Review  
Travis Parker, Development Review

From: Stanton Park Neighborhood Association  
Land Use Committee  
Drury Tallant, Monte Edwards, Co-Chair

Re: Capitol Place, Modified Prehearing Statement

Over the past several months members of the community have met with the Capitol Place Project Team in an effort to work together toward a project that accommodates the density the Applicant desires in a manner that is as sensitive as possible to the adjacent row house neighborhood. The Applicant met with the Stanton Park Neighborhood Association Land Use Committee on January 8, 2007. The Modified Prehearing Statement was received on January 12, 2007. The proposal has not been widely reviewed in the community, nor has it received unqualified support. A community meeting is scheduled for February 1, 2007.

This site occupies a dividing line between the moderate to high-density structures around Union Station and a stable, low density, row house neighborhood. It poses particular design challenges due to its transitional nature and the H Street overpass. Square 752 is split zoned with majority of the land area in commercial zoning (C-2-A and C-2-B) and with approximately 40% zoned R-4. By far, the primary concern within the community is protection of the adjacent row house neighborhood. "Protection" is required both from outright demolition of row house structures and from the introduction of buildings that diminish the residential character. The Office of Planning has stated an intent to preserve the R-4 neighborhoods in recognition of their contribution to DC's urban character and in providing housing that is more attractive to families. The Capitol Place proposal must be one that contributes to the stability of the neighborhood rather than one that hastens its removal.

There is no denying that Capitol Place is a very large, significant project. It warrants special attention due to several factors: its location as a transitional project between high density commercial and low density residential areas; its potential to create a "gateway" to H Street; and its potential to provide a substantial number of "smart growth" residential units in a LEED certified building. On a project of this scale it is not surprising that there remain substantial issues to be resolved before this project gains widespread support. The Applicant has engaged members from the community in the project development, and is commended for that process. That process of engagement

was premised on the Applicant's attainment of a building totaling approximately 400,000 Sq. Ft.. It has resulted in the Applicant's request for a C-3-C zone for 36.4% of the site resulting in an aggregate FAR of 5.25 across the project. A considerable amount of "unused" floor area from the C-3-C portion is located in the C-2-A portion of the project and results in an FAR somewhat above 4.0 in the C-2-A zone. The critical question for the community to address is whether it is possible to design a structure of this scale on a square with low-density row house structures. Our analysis begins with the large scale issues of urban design and the "building envelope" before addressing the resulting design and small scale issues.

### **Compatibility with Planning Guidance**

This project is within the H Street Overlay District enacted last year and benefited from an upzoning for a substantial portion of the site just one year ago. The project is also within the proposed NOMA small area plan. The community will be looking to those planning documents in their review of this project. In particular, we refer the Applicant to §1320.2(b), the H Street Overlay. The regulation states that the purpose of the Overlay is to "Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the Overlay District". In particular we refer the Applicant to §1325.3: "The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Overlay District."

The revised PUD includes a FAR transfer (described below under Requested Upzoning) that must be addressed, as well as new construction on a lot more than 6,000 square feet as defined in §1320.4 and therefore §1325.4 would apply. §1325.4 states: "Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of §1324 and the design guidelines of the H Street N.E. Strategic Development Plan." The H Street Overlay has already awarded considerable added density through the upzoning of this site. However, that upzoning was conditional upon adherence to the requirements of the H Street Overlay. Thus, there is an affirmative burden on the Applicant to demonstrate consistency with both the design requirement (§1324) as well as the design guidelines. We request that the Applicant review this proposal against those design requirements, determine the extent to which the proposal is consistent, and where it is inconsistent present a compelling argument that justifies the inconsistency.

### **Requested Upzoning**

If an upzoning is warranted, doing so at the far northwest corner of the square imposes the least harm to the adjacent neighborhood. The question remains open whether there is community support for upzoning, or the extent of the upzoning requested, both in terms of amount of property subject to upzoning and the resulting zoning classification. In

nearly every meeting, community members have stressed to the Applicant the critical need to present a compelling case why upzoning 36% of the site to C-3-C is in the community's interest. The Applicant's response has been threefold:

1. The Applicant purchased the property with the assumption that upzoning would achieve the desired density. They have argued that not upzoning presents an economic hardship. The community does not agree with the "economic necessity" justification for issues of zoning and urban planning.
2. The Senate Square PUD obtained a C-3-C zone, therefore the Applicant requests a similar upzoning. That argument is also rejected by the community. Many feel that the Senate Square project is too large, and too tall. The community did achieve the goal of restoring the former Children's Museum/Little Sisters of the Poor, but many in the community feel the resulting project is larger and more imposing than expected. Further, the Senate Square project occupies an entire square, and does not share its square with low-density row houses. Finally, the preservation and restoration of the historic structure was judged a very significant public amenity that lent support to the requested upzoning. The Applicant's Capitol Place project, however, results in the loss of potentially eligible historic structures. We conclude there is little justification for any upzoning based on a comparison to the Senate Square PUD.
3. The creation of a gateway to H Street, the presence of the H Street overpass, and the height of Senate Square (opposite side of H Street) provide the only cogent arguments for any consideration of upzoning. The upzoning argument must be made and justified based upon a design that improves the urban form above retaining the existing zoning. We do not think that design test has yet been met (See Item 7 below in the Architectural Design comments), especially with regard to the "gateway" building at Second & H Streets.

What has not been fully explored is whether other zoning classifications above C-2-B but below C-3-C for the northwest portion of the site would achieve the gateway at the H Street Overpass. SPNA accepts the "gateway" concept. However upzoning to C-3-C is not necessary to accomplish the gateway purpose. Other zoning classifications between C-2-B and the requested C-3-C could allow some additional building area and/or building height. The requested C-3-C has the effect of adding considerable floor area that is located not in the proposed C-3-C zone, but in the C-2-A zone. The Applicant's statement that "this proposed rezoning preserves the zone transitions into the neighborhood, maintaining the C-2-A district closest to that community"<sup>1</sup> is, at best, accurate only in a narrow technical sense. We have asked that the Applicant make more apparent in their presentations to the community and within the Modified Prehearing Statement the extent of floor area transfers within the project.

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<sup>1</sup> Capitol Place Modified Prehearing Statement, January 12, 2007, page 6.

## **Zoning Tabulation**

The zoning tabulation on Page 3 of Exhibit A of the January 10, 2007 “Modified Prehearing Statement of the Applicant” requires considerable further detail to accurately present the full extent of the zoning benefits requested. The building area tabulation should indicate the increase beyond that presently permitted under existing zoning by matter of right and under the existing zoning with a PUD. The Applicant seeks a 78% increase above the matter of right building envelope. Pages 6 through 9 of the Prehearing Statement contain some of the required information, but the information is scattered and hard to interpret. Page 8 states, “a total of 226,233 square feet is permitted as a matter of right on the site”, but nowhere could we find the size of a PUD design based upon the existing zoning. It is critical to understand the size of the building permitted as a matter of right with the current zoning, the size of the building permitted under a PUD based on the current zoning, and the size of the building based on a PUD + upzoning.

The aggregate data presented in the Zoning Tabulation does not disclose the full extent of the zoning benefits requested. It is hard to determine if the building footprints track the proposed three zoning classifications, and we suggest noting the location of the zone boundaries on the building floor plans. Without complete information it is difficult to determine the amount of “unused” FAR associated with residential use from the C-3-C zone that is transferred to the C-2-A and C-2-B zones. What is clear, however, is that a significant amount of floor area has been transferred from the proposed C-3-C zone to the C-2-A zone. The resulting floor area in the C-2-A zone has an FAR above 4.0 where 3.0 is normally allowed under a PUD in that zone. The additional floor area is achieved (and allowed) because the aggregate building floor area is within the total floor area allowed for the various zoning classifications inclusive of the C-3-C zone. We believe the Zoning Tabulation should make clear that an important result of the requested C-3-C zone is that it allows a considerable increase in floor area that in fact is located in the C-2-A zone.

## **Architectural Design**

Detailed review of the architectural design requires much further study and comment. It requires a review and analysis of compliance with the H Street Design Requirements and Design Guidelines. We offer the following preliminary assessments.

1. The “industrial” look of the Second St. façade might be developed into an attractive design provided more scale-reducing and human-scale details promote the essentially residential character of the building. The current design could easily be a commercial office building. The upper level and projecting screens need further consideration. It is unclear whether subdivision would make the entirety of the site subject to the Design Requirements and Design Guidelines.
2. The G Street elevation needs to strengthen the “small apartment house” look of the building abutting the alley to provide a better transition to the row houses on G Street. The continuation of the upper floor elements above the mid-block

structure weakens its function as a transitional design statement to the row houses on G Street.

3. The interior/alley elevations need much further refinement. The every-other-bay, every-other-floor balcony arrangement results in a peculiar, unpleasing, checkerboard pattern that does not work well in conjunction with the framed brick bays. A perspective of the interior of the block showing the view from a typical row house on Third St. would be useful. (A perspective from the courtyard adjacent to the alley was provided on January 29.)
4. The small transitional building adjacent to 734 Third St. is an appropriate way to soften the juxtaposition of a large corner building adjacent to a small-scale row house. The depiction of this element as a sleek glass façade needs further study: a more contextual transitional element would probably be more successful.
5. The large building at Third & H is difficult to judge from the small elevation on page 43, or from the perspective on page 46 that does not show the entire elevation. A perspective view looking toward the southwest (that is, diagonally across the intersection of H and Third Streets) would capture the building and adjacent row houses from the most relevant location.
6. The H Street elevation (nine story portion) presents some significant design challenges due to the bridge and DDOT maintenance easement. The overhanging element turning the corner onto Third Street should probably be deleted, but needs further study as noted in 5 above. We note that the H Street design guidelines require a “common architectural vocabulary, consistency in proportion and intent . . . without disrupting consistency of the streetscape”.
7. The building at Second and H does not work well, especially the peculiar brick/glass rhythm, and the uncomfortable vertical brick elements supported by thin brick spandrels above glass openings. This building does not “turn the corner” successfully. Referring to our discussion above on the Applicant’s request for an upzoning, and our conclusion that the only meaningful justification for an upzoning is to create a gateway to H Street, we question the requested upzoning based on this design. The design of this element demands a significant urban statement that relates both to the bridge and the Senate Square project if is to justify any upzoning. (As of January 29, revised designs of this portion of the project were made available that may address some of the above concerns, but did not include a view of the revised design from the H Street overpass.)

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

We will continue to work with Applicant in developing an appropriate amenity package, and offer the following comments on the proposed amenities listed on pages 9-11 of the Modified Prehearing Statement.

1. We question the extent to which the affordable housing component should be counted as an amenity given the passage of the inclusionary zoning requirement. At most, the number of units considered an amenity would be the PUD increase based on the existing zoning. Any increase in affordable housing units resulting from the upzoning should be covered under the inclusionary zoning requirement.
2. LEED certification is welcomed and should be counted as an amenity to the extent that the building's sustainable design features exceed those recently enacted by the City Council.
3. Neighborhood serving retail is in all likelihood an amenity. We have had discussions with the Applicant about certain types of retail we would like to avoid (e.g. fast food). They have been generally agreeable to such restrictions, but these remain to be specified.
4. Sewer infrastructure and rebuilding of a widened (20') alley is an amenity for the residents on Square 752. Provision should be made to allow tie-ins to the sewer without demolition of the re-constructed alley. The alley design and landscaping to soften the rear of the proposed structure from the row houses has not been developed. This is critical to gaining support from residents on Square 752. Design issues that need to be resolved include paving material, lighting, landscaping, and use of the alley during construction. The existing alley is unattractive with badly deteriorated paving, uncoordinated lighting and telephone poles, varied and unattractive parking arrangements, etc.. There is an opportunity to redesign the alley both for the benefit of existing residents and to improve the visual character of the alley for the benefit of Capitol Place.
5. Improvements to the H Street overpass that soften its appearance and create a more pedestrian friendly environment would be an amenity.
6. A public stairway between Second Street and H Street is a welcome amenity.
7. The proposed micro-grant program for residents of Square 752 needs further study to determine its practical value.
8. Funding of an historic survey of the R-4 properties between 2<sup>nd</sup> and 14<sup>th</sup> Street is an amenity that benefits the broader community.
9. Survey and documentation of the potentially eligible structures that will be demolished is an amenity that somewhat mitigates the loss of these structures.
10. New brick sidewalks, curb, and gutter along Third Street would be an improvement. However, we question whether the community should be pressed to accept as an amenity something that is a District obligation and is routinely provided in other neighborhoods. Since this project is probably years away,

accepting this amenity would probably delay installation of new sidewalks as the District would likely remove it from consideration in its own work plans.

11. Replace chain link fence around parking lot on Square 753. As in 10, this would be an improvement, but essentially relieves the District of an obligation as a responsible property owner.
12. Brick and granite pavers with improved lighting under the H Street overpass is an amenity that would primarily benefit residents of Senate Square and Capitol Place. The goal of improving this area as a possible location for the H Street Farmer's Market presently located in the 600 Block of H Street would benefit the broader community.
13. The construction management plan has not yet been developed. Critical elements will be restricting construction access and activity to Second Street; drilled foundations with no pile driving; minimizing obstruction of the alley; maintaining residents' access to the rear of their property to the maximum extent possible; development of a construction worker parking plan that does not impose that burden on the community or nearby residents; and establishment of procedures to resolve construction-related issues.
14. LSDBE and First Source agreements are recognized as routine amenity requirements.

Considering the size of this project and extent of requested zoning bonuses, we question whether the above amenity package is appropriate. Some items above that could be pursued by other means could perhaps be replaced by amenities more valuable to the community. The level of architectural design needs improvement if it is to support the zoning request. A substantial contribution to H Street Main Street, perhaps to help fund their "Clean and Safe" program would be appropriate. Some of the community amenities would have far more value if pursued immediately upon PUD approval.

This large project will coexist on the same square with single family row houses. Careful design is essential to mitigate some of the deleterious effects of this project on those row houses. We also recommend mechanisms to promote interaction between the residents of Capitol Place and the adjacent neighborhood. For example, representation on the Capitol Place Condo Board would improve opportunities for communication; access to the Capitol Place recreation and fitness facilities would promote social interaction and provide a genuine benefit to residents on Square 752; and the opportunity to rent or purchase under-utilized parking may be of interest to some residents in the nearby community.

The timing of the project and interim use of the to-be-demolished structures is crucial to maintaining the quality of life for nearby residents. The community is very concerned about the impact of abandoned, deteriorating buildings and believes the neglected and abandoned buildings could become a magnet for crime. A plan needs to be developed to

assure that public safety will not be compromised until this project moves forward. We would also argue in favor of a short time limit on any PUD approval.

### Conclusion

Properly designed, Capitol Place could be an excellent model of how “smart growth” projects (moderate to high density projects near Metro) can co-exist and even improve the quality of the built environment adjacent to low density residential neighborhoods.

We question the requested upzoning to C-3-C for 36% of the site. There may be a good urban planning rationale to allow some additional height and density along the H Street overpass in order to achieve a “gateway to H Street”. However, the current proposal does not yet provide a significant architectural statement at the H Street Overpass, and the “unused” FAR from the C-3-C zone has been transferred to the C-2-A zoned area. Consideration of zones other than C-3-C for the northwest sector would result in a lower aggregate FAR for the project. Other zoning classifications more restrictive than the requested C-3-C could still achieve the H Street gateway, but would likely reduce the floor area transferred into the C-2-A zone. The remaining C-2-A zone is at or above its maximum height and lot coverage, so reducing the floor area transferred into this zone might allow for a more sensitive transition to the R-4 neighborhood.

We encourage the Applicant to continue to work with the community on the design of this project.