

**Government of the District of Columbia**  
**ZONING COMMISSION**



**ZONING COMMISSION ORDER NO. 965**  
**Case No. 01-24C**  
**(Consolidated PUD –Senior Building at North Capitol)**  
**September 9, 2002**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on April 25, 2002, to consider an application from North Capitol at Plymouth, Inc., created by the Retirement Housing Foundation and the Plymouth Congregational United Church of Christ, for consolidated review and approval of a Planned Unit Development (“PUD”), pursuant to Chapter 24 of the District of Columbia Municipal Regulations (“DCMR”), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

**FINDINGS OF FACT**

**The Application, Parties, and Hearing**

1. On September 26, 2001, North Capitol at Plymouth, Inc. (the “Applicant”) filed an application for consolidated review and approval of a PUD and related Zoning Map amendment for a site at the southeast corner of the intersection of Riggs Road and North Capitol Street, N.E. (the “Site”). North Capitol at Plymouth, Inc. is a development entity created by the Retirement Housing Foundation (“RHF”) and the Plymouth Congregational United Church of Christ, located at 5301 North Capitol Street, N.E. (the “Church”). The Applicant purchased the property in December 2000 and is the current property owner. RHF is a national nonprofit organization based in Long Beach, California that sponsors development of affordable housing for senior citizens throughout the United States and has built a large number of such residential complexes. The Church is located directly across Riggs Road from the Site.
2. On November 19, 2001, the Zoning Commission decided to schedule a public hearing on the application. After proper notice, the Zoning Commission opened and completed the public hearing on June 6, 2002. The only party in the case was Advisory Neighborhood Commission (“ANC”) 4B, in whose boundaries the Site is located.
3. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The

Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, floor area ratio (FAR), lot occupancy, or yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions that would otherwise require approval by the Board of Zoning Adjustment (“BZA”).

4. At its July 8, 2002, meeting the Zoning Commission took proposed action by a vote of 4-0-1 to approve with conditions the application and plans presented at the public hearing.
5. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by action dated February 7, 2002, found that the proposal would not adversely affect their interest or be inconsistent with the Comprehensive Plan for the National Capital.
6. The Zoning Commission took final action to approve the applications on September 9, 2002.

#### **The Site and the Area**

7. The Site is located in Northeast Washington at the southeast corner of the intersection of North Capitol Street and Riggs Road, N.E. and approximately one-half mile west of the Fort Totten Metrorail station. The Site consists of Lot 16 in Square 3698, and has a land area of 30,976.80 square feet. The Site is currently zoned C-1, low-density commercial, which allows a maximum density of 1.0 FAR and a maximum building height of three (3) stories and forty (40) feet. This zone is designed to provide neighborhood convenience retail sales and services to the immediately surrounding neighborhood. Residential development is also allowed to the full density of the zone.
8. A zone change to C-2-A was requested as part of the application, because the proposed building exceeds the height and bulk limits of the C-1 zone. C-2-A is a low to moderate density commercial and mixed-use zone that allows a height of up to fifty (50) feet and 2.5 FAR of residential or mixed residential and commercial uses, with a maximum of 1.5 FAR devoted to commercial uses. The extra density allowed for residential development indicates that apartment buildings are encouraged in C-2-A districts. Thus, as to both height and bulk, the proposed apartment house will be well within C-2-A matter-of-right standards.
9. The C-2-A zone district, rather than a residential zone, is requested primarily because the Generalized Land Use Map of the Comprehensive Plan indicates the site for low-density commercial development and zoning. Both the existing C-1 and the requested C-2-A zone districts are considered by the Office of Planning (“OP”) to be generally consistent with the low-density commercial designation. Because commercial zones in the District allow, and actually encourage,

residential development to the full density of the zone, C-2-A zoning is a suitable vehicle for accomplishing the project.

10. The surrounding zone pattern is generally as follows: to the east, south and southwest the predominant zoning is R-5-A, a low-density apartment house zone; to the west, the predominant zoning is R-3, single-family row dwellings; and to the north, R-1-B, single-family detached dwellings. Also to the north is a strip of C-2-A zoning along Kennedy Street, N.W. Across North Capitol Street to the west, the nearby development is primarily three-story apartment buildings, followed by row houses. To the north, across Riggs Road, are the Plymouth Church of Christ and a surrounding neighborhood of detached, single-family houses, two- and three-story townhouses, and small apartment buildings. The neighborhood is well-established and urban in character, with a rich combination of many styles of architecture, including a modern (1950s style) apartment building across the alley and many Federalist buildings.
11. Public transit serves the Site and area quite well. Bus lines run along Riggs Road and along North Capitol Street. There is a bus stop located at the southwest corner of the Site on North Capitol Street. The Fort Totten Metrorail station is located approximately one-half mile to the east of the Site.

### **The PUD Project**

12. The proposed development is a sixty-nine (69) unit apartment house for low- and moderate-income senior citizens, including sixty-eight (68) one-bedroom units for seniors plus one (1) two-bedroom unit for the resident manager. The apartment building will be three (3) stories and approximately forty-eight (48) feet in height. It will be "I"-shaped and sited with the long dimension parallel to North Capitol Street and on the property line, which is approximately thirty-eight (38) feet from the curb. The short dimension is parallel to Riggs Road.
13. The design of the apartment building is compatible in character and in scale with the surrounding neighborhood in that it will be a typical height at three (3) stories, with steeply pitched, gable roofs, turn gables, and cantilevered bays that mimic the Federalist style indigenous to Washington, D.C. and this neighborhood. The apartments range from 550 to 620 square feet in size and have full kitchens. There are no dining rooms as this is independent living for seniors, not congregate housing or assisted living.
14. On-site amenities will include lounges on each floor at the northern end of the building within a tower design with large windows for views and natural light. There will be laundry facilities on each floor, a multi-purpose room with kitchen-pantry, a wellness center, arts and craft room, exercise room, and computer room.
15. The outdoor recreation amenities and patio are located between the building and the alley at the east property line. The patio area is a landscaped garden enclosed by a brick wall. This is adjacent to the community room to allow indoor and

outdoor functions. The garden/patio will be configured to accommodate outdoor group functions as well as smaller sitting areas for conversation or reading. Charcoal grills will be provided for the residents' use.

16. Landscaping consists of a variety of plant materials with an emphasis on low maintenance and drought resistance. Deciduous trees will provide shading on the east and west building exposures and will also shade the walk and patio areas. Along both North Capitol Street and Riggs Road, the existing street trees will be augmented by the planting of new trees. The sidewalks will be reworked to City standards, and extensive plantings and shrubs will be added to buffer the first floor units from the public walks and spaces while also softening the building-to-ground connection.
17. A circular driveway is provided from North Capitol Street near the southern end of the building, where it will be well removed from the intersection with Riggs Road. The twelve (12) parking spaces are located off the alley. The parking requirement for affordable housing for the elderly is one (1) space for each six (6) apartments; accordingly, twelve (12) parking spaces comply with the requirement. The loading drive and building services are located in a walled and gated enclosure accessed from the alley.
18. In order to develop the Site, the Applicant obtained one of only a few available Section 202 grants from the U.S. Department of Housing and Urban Development ("HUD"). The Section 202 program provides rent subsidies, as well as a development grant, thereby allowing for inexpensive rents and occupancy by primarily low-income individuals and households. Household incomes of residents must be less than fifty percent (50%) of median income in the Washington Metropolitan Area and typically will be twenty percent (20%) of median income. Residents must be at least sixty-two (62) years of age and will pay no more than thirty percent (30%) of adjusted income. The project has been designed to meet the special needs of elderly persons and will be characterized by efficient floor plans, energy-conscious design solutions, quality exterior building materials, and site amenities. The total development cost of the project is approximately \$6.6 million.
19. The applicant met twice with ANC 4B, in which the subject property is located, as well as with adjacent ANC 4D. The final plans were presented at ANC 4B's regular meeting on May 23, 2002, at which time the ANC voted unanimously to support the requested zone change and PUD. The ANC, however, did not submit a written statement nor appear at the public hearing. Therefore, the Zoning Commission cannot accord "great weight" to the ANC's position. The Applicant also presented its plans to ANC 4D, the Lamond-Riggs Civic Association, the Manor Park, and to other groups of citizens at public meetings.
20. The following public benefits and amenities will be created as a result of the PUD project:

- a. **Housing and Affordable Housing.** The sixty-eight (68) new apartment units with affordable rents for occupancy by senior citizens will help to meet the overall housing goals of the District of Columbia, as expressed in the Housing Element and the Ward 4 Element of the Comprehensive Plan. Development of affordable housing for senior citizens is a high priority in Ward 4 and the District generally.
- b. **Attractive Architecture, Urban Design, and Landscaping.** The building is especially attractive for an affordable housing development, including substantial use of masonry alternating with panels in a pleasing design, as well as use of brick archways and a tower element. The landscaping plan will enhance both the private and public open spaces of the property. The apartment building includes superior functional areas for the use of the future residents, such as laundry facilities on each residential floor, multi-purpose room with kitchen-pantry, a wellness center, arts and craft room, exercise room, and computer room. The landscaping includes a landscaped garden surrounded by a brick wall for residents' use.
- c. **Minimal Transportation Impacts.** The proposed elderly housing development will generate a low level of automobile travel in and out of the Site, especially compared to a destination commercial development under existing zoning. This is especially beneficial because the North Capitol Street/Riggs Road intersection is extremely congested, operating at Level of Service F in peak hours. The Site is served by Metrobus routes along North Capitol Street and Riggs Road and is located only 3/8 mile from the Fort Totten Metrorail station.
- d. **Site Planning, Efficient, and Economical Land Utilization.** The proposed development of this long-vacant site with an attractively designed apartment house will represent a major aesthetic and functional improvement to the neighborhood. At three (3) to four (4) stories, the building will be in scale with the surrounding neighborhood. The abutting property to the east is a garden apartment complex, and the residential buildings across North Capitol Street to the west are in the scale of three (3) to four (4) stories. Adjacent and nearby development is primarily low- to moderate-density residential, including garden apartments, row dwellings, detached and semi-detached housing. Under the existing C-1 zoning, no viable development has occurred over a period of many years.
- e. **Stabilizing and Improving the District's Neighborhoods.** One of the overarching Major Themes of the Comprehensive Plan specified in §102 is the goal of "stabilizing and improving the District's neighborhoods." The Applicant believes that the proposed infill residential development of this long-vacant site will help accomplish this major goal.

**Office of Planning Report**

21. By report dated May 24, 2002, and through testimony presented at the public hearings, the Office of Planning ("OP") recommended approval of the applications with specified conditions. OP noted that the proposed PUD meets the standards of the PUD regulations in 11 DCMR 24, is consistent with the intent and purpose of the Zoning Regulations and Map, is not inconsistent with the Comprehensive Plan, and provides significant public benefits. OP also recommended approval of the proposed zoning map amendment from C-1 to C-2-A. It commented favorably upon the quality of the architecture of the building and noted the favorable traffic results of the proposed use at this congested location due to the low vehicular traffic generated by elderly housing. OP concluded that the proposed project's impact on the surrounding area and on public facilities and services are acceptable commensurate with the public benefits of the PUD. OP conditioned its recommendation for approval upon the Applicant completing a First Source Agreement with the Department of Employment Services and a Memorandum of Understanding with the Local Small and Disadvantaged Business office.
22. OP identified the following as the specific public benefits of the proposed PUD: urban design, contextual architectural design, human services (space for medical and other services within the building), employment and training opportunities, economic land utilization, transportation benefits, and provision of a land use of special value to the District – affordable housing for the elderly.
23. By report dated June 3, 2002, the Office of Transportation Planning, Department of Public Works, recommended approval of the PUD. The report noted that traffic generation from the use will be low, the Site is well-served by public transit, and the twelve (12) parking spaces proposed meet the requirement for the proposed apartment building for senior citizens.
24. The Metropolitan Police Department (MPD), by memorandum dated April 20, 2002, stated that the proposed apartment building will not have an adverse effect on parking, safety, or on police service.

**Advisory Neighborhood Commission 4B**

25. ANC 4B formally considered the proposed PUD, with advanced notice to the public, at its meeting of May 23, 2002. The ANC voted unanimously to support approval of the PUD, but did not submit a written statement nor testify at the public hearing.

**CONCLUSIONS OF LAW**

1. The PUD process is an appropriate means of controlling development of the Site in a manner consistent with the best interests of the District of Columbia.

2. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits, 11 DCMR 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare and convenience.” 11 DCMR 2400.2.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more efficient and attractive overall planning and design not achievable under matter-of-right development.
4. The Zoning Commission has the authority under the Zoning Regulations to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that may be exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, or yards or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the BZA.
5. The approval of this PUD is not inconsistent with the Comprehensive Plan.
6. The proposed PUD meets the minimum area requirements of 11 DCMR 2401.1.
7. The development of this PUD is compatible with city-wide goals, plans, and programs and is sensitive to environmental considerations.
8. The Zoning Commission finds that the impact of the proposed PUD on the surrounding area and upon the operation of city services and facilities is acceptable given the significance, quantity and quality of public benefits cited in Finding No. 18, above. The Commission also finds that the proposed PUD is not inconsistent with the Comprehensive Plan.
9. The proposed PUD can be approved with conditions that ensure that the development will enhance the neighborhood and ensure neighborhood stability.
10. The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1997, as amended.
11. ANC 4B voted to support adoption of the PUD.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for consolidated review of a planned unit development for Lot 16 in Square

3698. The approval of this PUD is subject to the following guidelines, conditions, and standards:

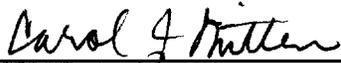
1. The PUD shall be developed in accordance with the plans prepared by the architectural firm of Grimm & Parker Architects, and the site plans and landscape plans by the firm of Greenhorne & O'Mara, Inc., marked as Exhibits 20-A and 28, as modified by the guidelines, conditions, and standards of this order.
2. The subject property shall be rezoned from C-1 to C-2-A.
3. The development approved in this PUD shall be a new, sixty-nine (69) unit, three (3) story apartment building for senior citizens, including one (1) apartment for the resident manager. Rents will be in the affordable range for low- and moderate-income households.
4. The total floor area ratio (FAR) of the development shall not exceed 1.92 FAR and the maximum lot occupancy shall not exceed fifty-seven percent (57%).
5. The height of the building shall not exceed forty-eight (48) feet.
6. The development shall provide off-street parking for twelve (12) vehicles, as shown on the site plan.
7. Exterior materials shall include brick and a cementitious fiber type of paneling.
8. The Applicant shall have the flexibility to:
  - a. Vary the location and design of all interior components of the building;
  - b. Make minor adjustments in the façade detailing and fenestration (e.g., location of windows), and in the location and appearance of signage, provided that such signage shall be generally consistent with the approved plans; and
  - c. Make minor adjustments in the project grading and utilities plans, with the goal in part to minimize retaining walls.
9. The Applicant shall abide by the terms of the executed Memorandum of Understanding with the D.C. Office of Local Business Development in order to achieve, at a minimum, the goal of thirty-five percent (35%) participation by local, small, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance, and security for the project to be created as a result of the PUD project. After the completion of construction of the project, the Applicant shall provide a written status report to the Zoning Commission and the D.C. Local Business Opportunity Commission regarding compliance with this agreement.

10. The Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services (DOES) in order to achieve the goal of utilizing District of Columbia residents for at least fifty-one percent (51%) of the jobs created by the PUD project. After completion of construction of this project, the Applicant shall provide a written status report to the Zoning Commission and the DOES regarding compliance with this agreement.
11. Pursuant to 11 DCMR 2409.3, no building permit shall be issued for this planned unit development until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (“DCRA”). This covenant shall bind the applicant and all successors in title to construct on and use the subject property in accordance with this order or any amendment thereof.
12. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
13. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this order. Within such time, application shall be filed for a building permit as specified in 11 DCMR 2408.8 and 2409.1. Construction shall start within three (3) years of the effective date of this order.
14. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. Nothing in this order shall be understood to require the Zoning Division of DCRA to approve permits if the Applicant fails to comply with any provision of the Human Rights Act.

Vote of the Zoning Commission taken at its public meeting of July 8, 2002, by a vote of **4-0-1** to **APPROVE** (Carol J. Mitten, Peter G. May, Anthony J. Hood, and James H. Hannaham to approve; John G. Parsons, not voting, having not heard the case).

This order was **ADOPTED** by the Zoning Commission at its public meeting of September 9, 2002, by a vote of **4-0-1** (Anthony J. Hood, Carol J. Mitten, Peter G. May, James H. Hannaham to adopt; John G. Parsons, not having, having not heard the care).

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register, that is, on NOV 8 2002.

  
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**CAROL J. MITTEN**  
**Chairman**  
**Zoning Commission**

  
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**JERRY R. KRESS, FAIA**  
**Director**  
**Office of Zoning**