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: Ellen McCarthy, Director

CASE NO. 03-13A
EXHIBIT NO. 13

SUBJECT: Preliminary Report
Zoning Commission Case No.03-12A and 03-13A
Capper/Carrollsburg Venture LLC Hope VI Revitalization Project
- 2nd Stage (Phase 1) Planned Unit Development Approval
- Modification of Conditions for Consolidated PUD

DATE: September 5, 2005

I. APPLICATION SUMMARY

In Order No. 03-12/03-13 the Zoning Commission gave preliminary approval to a mixed use PUD and HOPE VI project for 15 Squares in southeast Washington, DC, as well as approval to a Consolidated PUD on 6 Squares within the Preliminary PUD. These Squares are listed in Table 1, and Illustrated in Attachment 1.

The applicant is Capper/Carrollsburg Venture, LLC in conjunction with the District of Columbia Housing Authority (DCHA). It is now seeking:

1. Modification of some requirements for the Preliminary PUD;
2. Modification of some requirements for the Consolidated PUD;
3. Approval of a Second Stage (Phase 1) PUD for portions of 3 Squares within the Preliminary PUD, along with modification of some of the Preliminary PUD requirements pertaining to the Second Stage project.

The requested modifications for the Preliminary PUD include:

- Changing the Location of Proposed 3rd Place in Square 799 (Finding of Fact No. 68);
- Increasing the overall residential density from 2.21 FAR to 2.34 FAR (Condition No. 7);
- Reducing the overall PUD parking ratio, particularly for the low-rise residential construction in Squares 825, 825S, and 882 (northern portion) (Condition No. 11).

The requested modifications for the Consolidated PUD include:

- The above-noted change in 3rd Place's location in Square 798;
- Reducing the PUD parking ratio, as noted above, within Squares 797,798 and 824 (Condition No. 11).

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CASE NO.03-12A/03-13A
EXHIBIT NO.13

The requested Second Stage (Phase 1) Approval includes the following modifications to the plan approved in the Preliminary PUD for Squares 799, 800 and Square 881 W (a.k.a. Reservation 19):

- Increasing the height and density of the community center in Square 881W (Condition 8(b), Order No. 03-12/03-13);
- Constructing a roof structure for the community center that does not meet the 1:1 setback requirements of 11 DCMR §400.7
- Extending the date by which a building permit application must be filed for the Community Center (Condition No. 20);
- Changing the Location and Ownership Status of Proposed 3rd Place in Square 799 (Finding of Fact No. 68);
- Reducing the width of an open court in Square 799 to 8'4" less than the 13' required by §406.1;
- Reducing the PUD parking requirements for portions of Squares 799 and 800 (Condition No. 11);

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down for a public hearing Zoning Commission Case No. 03-12A and 13-13A, Capper/Carrollsburg Venture LLC Stage II PUD, and modifications to both the previously approved Preliminary PUD and the approved Consolidated PUD.

The proposed modifications to the Preliminary PUD appear to be consistent with the Comprehensive Plan, zoning regulations and the intent of the original PUD. The requested modifications to the Consolidated PUD seem to be consistent with its original objectives. The 2nd Stage PUD appears to be consistent with the Preliminary PUD approval. These opinions are subject to additional review by other District agencies.

OP incorporates by reference its May 7, 2003 and July 14, 2003 reports to the Zoning Commission on Case No. 03-12/03-13.

III. BACKGROUND

In Order No. 03-12/03-13 dated February 6, 2004 and issued October 8, 2004, the Zoning Commission gave:

- Approval to a Preliminary Planned Unit Development (PUD) encompassing all or parts of 15 Squares in Southeast Washington (Case No. 03-12). This PUD included an amendment to the zoning map for two full Squares and portions of a two other Squares;
- Approval to a Consolidated PUD for a 6-Square sub-set of the Preliminary PUD (Case No. 03-13).

The applicants [Capper/Carrollsburg Venture, LLC and the District of Columbia Housing Authority (DCHA)] are building a mixed-income, mixed-use development on 33 acres (including rights- of-way and other public space) between the Washington Navy Yard and the Southeast-Southwest freeway. The project includes the demolition of all but one of the existing Capper/Carrollsburg buildings, the retention

of one elderly housing building, and the construction of approximately 1,700 new housing units, 702,000 square feet of office space, and approximately 51,000 square feet of retail space.

The project is financed, in part, with a $35 million federal grant under the U.S. Department of Housing and Urban Development's (HUD's) HOPE VI program. It will be one of the largest HOPE VI programs in the country.

SQUARE	PRELIMINARY	CONSOLIDATED	2ND STAGE	IN THIS APPLICATION?
739	X			--
767	X			--
768	X			--
769	X			--
797		X		Y
798		X		Y
799, east 2/3	X		X	Y
800, northern	X		X	Y
824		X		Y
825		X		Y
825S w/out SE corner		X		Y
880	X	X	X	Y
881,west				Y
853 N,west				--
882				--

Tale 1: Squares Within Capper/Carrollsburg Hope VI PUD (cf. Attachment 1)

IV. REQUESTED MODIFICATIONS APPLICABLE TO BOTH APPROVED PRELIMINARY PUD AND APPROVED CONSOLIDATED PUD

A. Overview, Zoning and Ownership

The applicant is requesting an amendment to a finding of fact and to two conditions pertaining to both the Preliminary and Consolidated PUDs. This would involve:

- Changing the Location of Proposed 3rd Place in Squares 798 (Finding of Fact No. 68);
- Increasing the overall residential density from 2.21 FAR to 2.34 FAR (Condition No. 7);
- Reducing the overall parking requirement, particularly for the low-rise residential construction in Squares 797 – 800, 824, 825, 825S, and 882 (Condition No. 11).

The District of Columbia Housing Authority (DCHA) owns all of the land within the Preliminary and Consolidated PUDs, other than Square 800, Lots 20, 818, 819 and 820, for which condemnation proceedings have been filed.

With the following exceptions, the underlying zoning for the project area is R-5-B:

- Squares 737 and 739 are zoned C-3-C;
- The Southern half of Square 769 is zoned CG/C-3-C

The zoning associated with Squares 767, 768 and the northern half of Square 769 will become CR upon the approval of later Second Stage PUD applications for those areas.

B. Proposed Development

The overall Preliminary PUD project was described in Section III of this report.

The Consolidated PUD will contain two new mid-rise Senior buildings, one in Square 880 and one in Square 825S, as well as approximately 233 units of stacked row-housing or townhouses.

The applicant will construct a new Third Place, S.E., reconstruct sidewalks, install new light fixtures, plant new trees, and install ornamental railings and/or street furniture in the landscaped common areas. The Consolidated PUD includes four semi-private open spaces associated with the rowhouse-type construction, and one private open space for each of the two senior buildings

C. Flexibility from Findings of Fact and Conditions Applicable to Preliminary PUD and Consolidated PUD

1. Re-locating Proposed 3rd Place and Changing Its Ownership Status

This affects both the Consolidated PUD (Square 798) and the 2nd Stage Application of the Preliminary PUD (Square 799). The approved Preliminary PUD would have constructed a private Third Place, S.E. running north-south from I to L Street, midway between 2nd and 3rd Streets. The applicant is requesting a modification to move the proposed street approximately 14 feet east, and to have the street be designated and accepted as a public street.

Evaluation: There are three consequences of this request:

- Some private properties in Square 798 will no longer need to be acquired;
- The street will be built to District Department of Transportation (DDOT) standards and publicly maintained, as DDOT prefers;
- Because the street will now be public space, there is a slight reduction in overall land area for the project, resulting in a slight increase in calculated density for the project.

OP believes this request is worthy of consideration, but believes the following additional information is necessary for its evaluation:

- The number of private dwellings, or amount of private land, that would be saved from acquisition by this street alignment;
- The consequences of the loss of 15 units in Square 799 because of the relocation of the proposed street.
- The consequences of not acquiring private properties in Square 798.

2. Increasing Approved Residential Density

In Condition No.7, the Commission approved a residential density of 2.21 FAR averaged across the 2,092,081 SF of the residential and community center uses in the entire Preliminary and Consolidated PUDs. The applicant is now requesting a residential GFA of 2,138,431 square feet and an FAR of 2.34 for the combination of residential uses and the community center.

Evaluation: The size and density of the site and project have changed in relatively minor ways:

- Making the two blocks of 3rd Place into public streets rather than private streets decreased what could be considered land area when calculating FAR;
- Including the Van Ness elementary school increased the size of the site and added to the overall density, as the existing school will be retained;
- Increasing the size of the community center adds to the residential density, although it is not clear whether the applicant is including the center with or without the proposed future expansion for the community meeting room on the second floor;
- In some instances, adding decks to the low-rise residential units increased their density.

The requested increase of 46,310 square feet of residential density seems acceptable to OP; a 2.34 residential FAR would still be below the 3.0 residential FAR permitted in the R-5-B zone district. However, the increase requires better justification and illustration. The applicant should submit a table and map in its pre-hearing statement clearly indicating the additions and subtractions in land area and in residential density.

3. Reducing Approved Parking Requirement

The applicant is seeking flexibility from the overall Condition Number 11 of the Case Order, as that condition applies to the Preliminary PUD, the Consolidated PUD, and the 2nd Stage (Phase 1). The requested flexibility would apply to the low-rise townhouse-type structures in the following squares:

SQUARE	PUD STATUS
797	Consolidated
798	Consolidated
799	Second Stage, Phase 1
800	Second Stage, Phase 1
824	Consolidated
825	Preliminary
825-S	Preliminary
882 (northern portion)	Preliminary

The applicant wishes to reduce the parking provided for some of the units from 2 spaces per unit to 1 space per unit, and to retain a 2:1 ratio for other units. This would reduce the overall parking ratios for these Squares to 1.38:1.

Evaluation: The applicant wishes to reduce the parking requirement in order to be able to provide more flexibility in the living unit options – e.g., enabling purchasers of the 14'-wide and

16'wide units to convert a 2 car garage into a den plus 1-car garage. The 18' wide and 24' wide units already have expansion options such as lofts and decks, and would retain only the two-car option. OP notes that the proposed reduction would still provide for a parking ratio that is 0.38 per unit *above* that required for the R-5-B zone. OP further notes that the applicant requests this ratio as a minimum. Based on market experience, the applicant believes that not all purchasers of 14' and 16' wide units will opt to convert a parking space into a den, and the likely actual parking ratio would be higher than 1.38 to 1.

The information on page 12, on Sheet T-3.0 and in the Appendix E parking study does not easily track.[1] OP believes the application would benefit from a Square by Square comparison of the parking numbers approved by the Zoning Commission and the requested change, prior to a public hearing.

OP will refer the parking questions to DDOT if the Zoning Commission sets down this request for a public hearing.

IV. SECOND STAGE (PHASE 1) APPLICATION

A. Overview, Zoning and Ownership

As part of the 2nd Stage filing, the applicant is requesting flexibility from the following findings of fact of conditions stipulated in the Preliminary PUD approval:

- The height, square footage, roof structure setback and construction timing requirement of the community center (Condition 8 (b));
- Relocation and Change in Ownership Status of Proposed 3rd Place, S.E. (Finding of Fact No. 68);
- Reduction of Open Court widths (11DCMR §406.1);
- Reduction of PUD-required Parking Spaces (Condition No. 11).

The second stage PUD site consists of approximately 122,610 square feet in the western two-thirds of Square 799, the northern half of Square 800 and the western portion of Square 881. (See Table 1 and Attachment 1). The site is zoned R-5-B. DCHA has initiated eminent domain proceedings for Lots 816 – 820.

B. Proposed Development

[1] According to page 12 of the applicant's statement, the previously approved Preliminary and Consolidated PUDs had shown 250 townhouses among the above Squares. The average ratio of parking spaces to units was to have been 2:1. These were to have been accommodated in a two-car tandem-spaced garage, usually with entry off of an alley. The garages were to have accommodated somewhere between 416 and 500 parking spaces. OP is uncertain of the number because the applicant refers to both 416 spaces, and to a ratio of 2 spaces per unit on page 2 of its filing. The revised plans seem to reduce the number of townhouse units to between 208 and 229 units. Page 12 of the text implies the smaller number. The Exhibit E, the parking study shows 208 units. At the 2:1 ratio, this would generate 458 parking spaces. However, the applicant seeks to reduce the parking for 130 of the smaller and narrower units to a minimum ratio of 1.38:1. Thus between 78 and 99 units would have parking at a minimum 2:1 ratio and 130 units would have parking at a minimum ratio of 1.38:1. The total would be between 336 and 378 spaces.

Residential

The portions of Squares 799 and 800 included in the Stage 2, Phase 1 PUD will include 91 residential units in three and four story townhouses and apartments. The 91 units break down as follows:

- Total, market rate and affordable for-sale: 51 units
  - Market rate: unknown
  - Affordable: unknown numbers and income ranges
- Section 8 homeownership: 11 units
- Public Housing: 29 units.

There will be six basic styles, conforming to the design principles established in the Preliminary PUD approval.

Community Center

The Community Center stipulated in the Preliminary PUD approval will be built in the western portion of Square 881. The application requests approval for a 35 foot high 18,500 SF center, expandable to 28,500 SF.

C. Flexibility From Preliminary PUD Approval Requested Within the Boundaries of the 2nd Stage Application

1. Increasing Height and Density of the Community Center

The Center was approved at 25' high (Condition No. 5) and 18,000 SF (Condition No. 8(h)). The applicant is requesting 10 additional feet in height and up to 6,600 SF of additional space

Evaluation: In OP's opinion, the additional height and density will have two benefits:

- It will help to screen the adjacent 56' high Marine Barracks garage
- It will make possible a future 2nd story addition that would provide up to 6000 SF of neighborhood-requested community meeting space.

2. Providing Less Than a 1:1 Setback for the Roof Structure of ther Community Center

The revised plans for the community center locate a stair tower along the northern wall of the center, with no setback from the exterior wall. 11DCMR §400.7(b) requires roof structures to have a 1:1 setback from exterior walls.

Evaluation: It is OP's opinion that, if this location of the stair tower enables future expansion on the second floor of the center for community office space, this request for flexibility should be given consideration by the Commission. However, OP believes that additional illustrations would be helpful to understand the request. While the stair tower is clear in the plan drawings, its height as a roof structure is not clear in the elevations.

3. Timing of Building Permit for Construction of the Community Center

The applicant was to have filed for a building permit by July 1, 2005 (Condition No. 20). This was approximately 16 months after the Commission decided the Preliminary PUD and approximately 9 months after the publication of the final order. The applicant is requesting that the deadline be extended to 8 months after the issuance of the Order for the present 2nd Stage application.

Evaluation: In OP's opinion an extension on the date for filing a building permit is justified. The applicant has been meeting with the community and has needed to re-design the structure to accommodate additional desired programming. It also experienced some delay in determining the public records for the K Street R-O-W in Square 881. This was needed to determine whether a design was possible that provided additional screening of the Maine Barracks garage.

4. Re-locating Proposed 3rd Place and Changing Its Ownership Status

The approved Preliminary PUD would have constructed a private Third Place, S.E. running north-south from I to L Street, midway between 2nd and 3rd Streets. The applicant is requesting a modification to move the proposed street approximately 14 feet west, and to have the street be designated a public street.

Evaluation: There are three consequences of this request:

- Some private properties in Square 798 will no longer need to be acquired;
- The street will be built to DDOT standards and publicly maintained, as DDOT prefers;
- Because the street will now be public space, there is a minor reduction in overall land area for the project, resulting in a slight increase in calculated density for the project.

OP believes this request is worthy of consideration, but believes the following additional information is necessary for its evaluation:

- The number of private dwellings, or amount of private land, that would be saved from acquisition by this street alignment;
- The consequences of the loss of 15 units in Square 799 because of the relocation of the proposed street.

5. Reducing Court Width(s)

The applicant requests flexibility to reduce the open court in Square 799 by 8'4". §406.1 requires an open court, if provided, to be 4" wide for each foot of court height, but not less than 6 feet. For the structures in Square 799 this would mean a 13 foot wide open court. The applicant states that moving 3rd Place eastward by 14 feet to comply with the Zoning Commission's instructions to retain as much private property as possible in Square 799 (Finding of Fact No. 68) required a reconfiguration of unit layouts in Squares 798 and 799 that resulted in a 5 foot wide open court in Square 799

Evaluation: The applicant states that setting back "a number of units" in Square 799 by an additional 8'4" would result in very narrow buildings. OP believes that additional information is needed, including illustrations, clearly indicating which units are affected, and how they changed from the Preliminary PUD drawings.

6. Reducing PUD-Required Parking Spaces

The applicant is seeking flexibility from the overall Condition Number 11 of the Case Order, as that condition applies to the 2nd Stage PUD, as well as to the Consolidated PUD and portions of the remainder of the Preliminary PUD. With respect to the 2nd Stage PUD, the applicant is seeking to reduce the amount of required parking in Squares 799 and 800. This request applies to the number of required parking spaces for the Types A, D and E market rate and workforce townhouses, which range from 14' to 16' wide. The reduction would be from 2 spaces per unit to a minimum of 1.38 spaces for these types of units. The ratio for the wider B and C type units would remain at 2:1. The number of parking spaces would be further reduced in these Squares from the Preliminary PUD by the decrease in the number of units in Square 799 from 60 to 46 (and in Square 798, which is in the Preliminary PUD). This is due to the relocation of 3rd Place to retain more existing privately-owned residences, pursuant to Finding of Fact No. 68.

Evaluation: OP notes that the proposed reduction would still provide for a parking ratio that is 0.38 per unit above that required for the R-5-B zone. However, when comparing the applicant's statement, the parking plan included as illustration T-3.0, and the parking study provided as Appendix E, OP has not been able to determine the exact number of parking spaces that had been proposed for Squares 799 and 800 in the preliminary PUD and the exact number that are proposed now for the 2nd Stage PUD. There also seem to be changes in the distribution of the unit types among the Squares.

The information on page 12, on Sheet T-3.0 and in the Appendix E parking study does not easily track. OP believes it would be very useful to have a chart before the public hearing making Square by Square comparison of the parking numbers approved by the Zoning Commission, the requested changes and a comparison of unit types as previously and currently shown.

OP will refer the parking questions to the District Department of Transportation (DDOT) if the Zoning Commission sets down this request for a public hearing.

D. Additional OP Comments on 2nd Stage Application

Community Center – L Street Elevation

OP believes the design of the community center will help to establish it as a strong and welcoming presence in the neighborhood, particularly on its 5th Street and K Street facades. OP is, however, concerned that the treatment of the central portion of the L Street façade makes it read as a "rear" façade, rather than as an elevation on a L'Enfant street. OP realizes the façade cannot have much fenestration because the gymnasium is behind it. However, OP encourages the applicant to give additional consideration to the treatment of the doors, windows, molding and brick pattern, to give this façade more of a presence on L Street.

V. AGENCY REFERRALS

If set down by the Zoning Commission, the application will be referred to the following District agencies for review and comment:

- Department of Consumer and Regulatory Affairs (DCRA);
- Department of Employment Services (DOES);
- Department of Health (DOH);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- Fore and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD);
- DC Public Schools (DCPS);
- DC Water and Sewer Authority (WASA).

VI. SUMMARY

The Office of Planning believes that this application merits being set down for a public hearing, as being generally consistent with the goals and objectives for the area as outlined in the Comprehensive Plan and in the previously approved Preliminary PUD and Consolidated PUD. OP believes the following information needs or questions should be addressed in the applicant's pre-hearing statement:

1. How many private dwellings and amount of private land will be saved by the proposed re-alignment of 3rd Place?
2. What are the consequences of not acquiring some previously indicated residential properties in Square 798?
3. What are the consequences of the loss of 15 new units in Square 799 due to the relocation of the proposed street? Does this imply a reallocation of new units among Squares, an overall decrease in units, etc.?
4. A table and map are needed -- organized by Square and Preliminary, Consolidated or 2nd Stage PUD status -- indicating the changes in land area and residential density by Square (including the community center), indicating how those changes lead to the overall new total of 2,138,431 SF of residential use and 2.34 FAR for the combination of residential uses and the community center.
5. A table is needed -- organized by Square and Preliminary, Consolidated or 2nd Stage PUD status -- giving a Square by Square comparison of the parking numbers approved by the Zoning Commission, and the requested changes, related to residential type.
6. Additional illustrations of the community center roof tower are needed, more clearly indicating its height as a roof structure.
7. Further refinement is needed of the L Street façade of the community.
8. Additional site plan illustrations are needed of the units in Square 799 for which the 8'4" open court reduction is being requested.

EMC/slc

Attachment