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October 7, 2005

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VIA HAND DELIVERY

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, DC 20001

Re: Prehearing Statement for Zoning Commission Case No. 03-12A/03-13A
Capper Carrollsburg Venture LLC -- 2nd Stage PUD & Modification

Dear Members of the Commission:

On behalf of Capper/Carrollsburg Venture, LLC, together with the District of Columbia Housing Authority, (collectively the "Applicant"), enclosed please find the Applicant's Prehearing Submission and supporting exhibits. Also enclosed please find mailing labels for the owners of property within two hundred feet of the subject property. As a second stage application, no hearing fee is required.

As certified in the statement, all of the required information has been submitted and the case is ready for public hearing.

Sincerely,

Whayne S. Quin

Enclosures

cc: Advisory Neighborhood Commission 6D
Ellen McCarthy, D.C. Office of Planning
Jennifer L. Steingasser, D.C. Office of Planning

ZONING COMMISSION
District of Columbia
CASE NO.03-12A/03-13A
EXHIBIT NO.15

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THE ARTHUR CAPPER/CARROLLSBURG DWELLINGS

PREHEARING STATEMENT

OF THE APPLICANT

FOR SECOND-STAGE REVIEW AND APPROVAL

OF A PLANNED UNIT DEVELOPMENT

AND A REQUEST TO MODIFY THE

PARKING REQUIREMENT APPLICABLE TO PORTIONS OF

THE CONSOLIDATED PLANNED UNIT DEVELOPMENT

APPROVAL

Z.C. CASE NOS. 03-12A and 03-13A

October 7, 2005

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Whayne S. Quin, Esq.
Kyrus L. Freeman, Esq.
Steven E. Sher, Director of Zoning and
Land Use Services

PREFACE

This Prehearing Statement and the attached documents (the "Prehearing Submission") are submitted by Capper/Carrollsburg Venture, LLC, together with the District of Columbia Housing Authority ("DCHA"), (collectively the "Applicant") in support of its application to the Zoning Commission of the District of Columbia (the "Zoning Commission") for second-stage review and approval for portions of a major new redevelopment project at the site of the Arthur Capper/Carrollsburg Dwellings, and approval to modify the parking requirement for the low-rise residential buildings included in the Zoning Commission's consolidated approval of the project.

Preliminary and consolidated approval of the entire project was issued pursuant to Zoning Commission Order Number 03-12/03-13, dated February 6, 2004, and effective October 8, 2004. The portion of the preliminary PUD approval included in this application includes Lots 44, 45, 46, 47, 48, 49, 50 in Square 799; Lots 20, 25, 26, 27, 28, 816, 818, 819, 820 in Square 800; and Square 881W (collectively referred to herein as the "PUD Site"). The low-rise residential buildings included in the Zoning Commission's consolidated approval of the project that are included in the requested parking reduction are located in Squares 797, 798, 799, 800, 824, 825, S-825, and the northern portion of Square 882.

The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on April 29, 2005 (the "PUD Submission"). That PUD Submission set forth in detail the proposed development, project design, requested areas of flexibility, and a discussion of how the project meets the requirements of the preliminary approval. This Prehearing Submission supplements the PUD Submission and responds to those issues raised by the Zoning Commission and the Office of Planning.

As set forth below, this Prehearing Submission, along with the original PUD Submission, meets the filing requirements for a PUD application under Chapters 24 and 30 of the District of Columbia Zoning Regulations.

DEVELOPMENT TEAM

Applicant/Developer:	Capper/Carrollsburg Venture, LLC 8403 Colesville Road, Suite 400 Silver Spring, Maryland 20910
Developer of Low-Rise Residential:	Eakin/Youngentob Associates 1000 Wilson Blvd., Suite 2720 Arlington, VA 22209
Owners:	District of Columbia Housing Authority 1133 North Capitol Street, N.E. Washington, D.C. 20002-7599
Master Planner:	Torti Gallas & Partners, Inc. 1300 Spring Street, 4th Floor Silver Spring, Maryland 20910
Architect of Low-Rise Residential:	The Lessard Architectural Group 8603 Westwood Center Drive Vienna, Virginia 22182
Architect of Community Center:	Torti Gallas & Partners, Inc. 1300 Spring Street, 4th Floor Silver Spring, Maryland 20910
Landscape Architect of Low-Rise Residential:	EDAW, Inc. 601 Prince Street Alexandria, Virginia 22314
Landscape Architect of Community Center:	Parker Rodriguez 101 North Union Street, Suite 320 Alexandria, VA 22314
Civil Engineers:	VIKA 8180 Greensboro Drive, suite 200 McLean, Virginia 22102
Traffic Consultant:	O.R. George & Associates, Inc. 10210 Greenbelt Road, Suite 310 Lanham, Maryland 20706-2218
Land Use Counsel:	Holland & Knight LLP 2099 Pennsylvania Avenue, N.W., Suite 100 Washington, D.C. 20006

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CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

The Applicant hereby certifies that this application, twenty copies of which were filed with the Zoning Commission on August 27, 2004, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

Subsection	Description	Page
3013.1(a)	Information Requested by Commission	Prehearing Statement
3013.1(b)	List of Witnesses	Exhibit R
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record:	
	Michael P. Kelly, D.C. Housing Authority	Exhibit S
	Vicki Davis and Dan McCabe, Mid City Urban LLC	Exhibit S
	Robert Youngentob and Aakash Thakkar, Eakin/Youngentob	Exhibit S
	Cheryl A. O'Neill, Torti Gallas & Partners, Inc.	Exhibit S
	Jack F. McLaurin, AIA, The Lessard Architectural Group	Exhibit S
	Cullen Elias, O.R. George & Associates	Exhibit S
	Steven E. Sher, Urban Planner	Exhibit S
3013.1(d)	Additional Information	Submitted herewith or with PUD Submission
3013.1(e)	Reduced Plans	Exhibit A
3013.1(f)	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence	Exhibit T

3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit R
3013.2	Two Sets of Full Plans	Submitted herewith
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit U

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with Section 3013.8, this application will not be modified less than twenty days prior to the public hearing.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By: _____

LIST OF EXHIBITS

Exhibit	Description
A	Architectural Plans and Drawings
B	Public Benefits and Project Amenities Chart
C	Parking Plans by Square
D	Representative Photographs Showing Building Materials for Townhouses
E	Illustrative Site Plan, Building Height Diagram, and Building Program Diagram
F	Plat Showing Private Properties Originally Included in PUD
G	Deed for Lot 20, Square 800
H	Deed for Lot 816, Square 800
I	*Notice of Condemnation*
J	*Declaration of Taking*
K	*Complaint in Condemnation Pursuant to Declaration of Taking Action Involving Real Property*
L	Comparison Drawings of Preliminary and Current Proposed Plans for Square 798 and 799
M	Table Showing Density of Residential and Community Center Uses
N	Table Showing Comparison of Parking Computations
O	Illustrations of Community Center's Roof
P	Illustrations of Community Center Facades
Q	Drawing of Court Dimensions in Square 799
R	List of Witnesses and Estimated Time Required For Presentation of Applicant's case
S	Outlines of Testimony for Witnesses
T	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence
U	List of Names and Addresses of All Owners of Property Within 200 Feet of the Subject Property

I. INTRODUCTION

This Prehearing Statement and the attached documents (the "Prehearing Submission") are submitted by Capper/Carrollsburg Venture, LLC, together with the District of Columbia Housing Authority ("DCHA"), (collectively the "Applicant") in support of its application to the Zoning Commission of the District of Columbia (the "Zoning Commission") for second-stage review and approval for portions of a major new redevelopment project at the site of the Arthur Capper/Carrollsburg Dwellings, and approval to modify the parking requirement for the low-rise residential buildings included in the Zoning Commission's consolidated approval of the project.

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The Applicant originally filed a PUD Statement and supporting documents, including architectural plans and drawings, with the Zoning Commission on April 29, 2005 (the "PUD Submission"). That PUD Submission set forth in detail the proposed development, project design, requested areas of flexibility, and a discussion of how the project meets the requirements of the preliminary approval. This Prehearing Submission supplements the PUD Submission and responds to those issues raised by the Zoning

Commission, when it set the case for hearing, and the Office of Planning, in its report recommending that a hearing be scheduled.

II. ISSUES/QUESTIONS RAISED BY THE ZONING COMMISSION

A. Requested Parking Reduction

1. The Applicant's Request

The Applicant seeks flexibility from Condition No. 11 of Z.C. Order No. 03-12/03-13, which provides that the overall project must include a minimum of 1,980 off-street parking spaces, including 1,396 spaces for the residential portion of the project and 604 spaces for the commercial portion of the project. However, the number of parking spaces for the residential portion of the project is proposed to be reduced to 1,241 spaces, which represents a reduction of 25 spaces due to the loss of units in Squares 798 and 799, design changes in other portions of the project consequent to the loss of units in Squares 798 and 799, and the Applicant's request for a reduction of up to 130 spaces.

The preliminary parking plan includes two garage spaces for the low rise residential units, which amounts to a total of 416 parking spaces, or a ratio of 2 cars per unit. The Applicant seeks approval to give purchasers of the Type A, D and E townhomes, some of which will be sold at market rate and some of which will be designated as workforce housing, the option to select either a one-car garage and a first floor recreation room, or to select the standard two-car garage. The Type A and Type D units, at sixteen feet wide, and the Type E unit, at fourteen feet wide, are the smallest low-rise residential market rate/workforce units proposed by the Applicant. This request applies to all the low-rise residential squares – 797, 798, 799, 800, 824, 825, S-825, and the northern portion of 882.

2. Analysis of Effect of Reduction

Assuming all the potential purchasers of the Type A, D and E townhomes select the one-car garage option, which is unlikely based upon the Applicant's experience, the Applicant will provide 286 parking spaces, or 1.38 spaces per market rate/workforce housing unit. This reduction in the number of parking spaces results in an increase in the amount of living space for the purchasers exercising this option.

The Zoning Commission found that one of the public benefits of the proposed PUD project is that it meets or exceeds the off-street parking and loading requirements of the Zoning Regulations. *See* Zoning Commission Order No. 03-12/03-13, Finding of Fact 49(d). Although the Applicant is seeking a parking reduction, the Applicant is still providing more off-street parking than is required by the Zoning Regulations. Moreover, the Applicant proffered a number of important amenities, other than the amount of parking, in exchange for the requested flexibility. A chart comparing the proposed public benefits and project amenities, value of such benefits and requested development flexibility, is attached hereto as Exhibit B. As shown on the chart, the Applicant offered over $40 million worth of amenities in exchange for the requested development flexibility, including, for example, a significant number of housing and affordable housing units, a new Canal Blocks Park, retail space, and a community center.

Moreover, the purpose of the requested parking reduction is to provide additional living space as an amenity to purchasers of the townhomes. The gain in living space off-sets any loss in parking spaces since the purchasers are selecting the option that is most beneficial to them. In the Applicant's experience, many purchasers of the fourteen-foot and the sixteen-foot townhomes, particularly in urban locations that are Metro accessible, such as Capper/Carrollsburg, have either no car or one car and therefore will not need the

additional parking space nor utilize the on-street parking. Moreover, the workforce housing units may be purchased by people having fewer cars per household then the market rate buyer. These purchasers may have a greater demand for livable space. The reduction is requested by the Applicant in order to ensure that purchasers of the smallest low-rise residential units that may not have the need for a two vehicle garage have the flexibility to eliminate one unnecessary parking space and replace it with increased living space in their new homes. Finally, as indicated in the Technical Memorandum prepared by the Applicant's traffic consultant and submitted with the PUD Submission, reducing the number of parking spaces will not have an adverse impact on the project or the area.

For the reasons set-forth above, the balance between the flexibility granted by the Zoning Commission pursuant to Zoning Commission Order No. 03-12/03-13 and the amount of amenities being provided by the Applicant will not be adversely affected by the requested parking reduction. The Applicant is still providing a significant number of amenities. Moreover, the Applicant is providing more parking spaces than the Zoning Regulations require. Finally, the additional living space off-sets any loss in parking spaces since the purchaser is selecting the option that is most beneficial to them.

B. Location of Parking Spaces

As requested by the Zoning Commission, plats showing the location of the proposed parking spaces in relation to the proposed buildings are attached hereto as Exhibit C.

C. Building Materials for Townhouses

Eakin/Youngentob Associates, developer of the low-rise residential units, typically uses brick or similar high quality materials on the front facades of all townhome units and on the front, side and rear facades of all corner townhome units. All townhome

units are typically rear loaded, allowing for continuous, pedestrian oriented street frontage with parking garages off of the alleys in the rears of the units.

The townhomes proposed in this PUD project will have all-brick front facades and the corner units will also have brick on the side and rear facades. Vinyl siding is used only as a treatment on the rears of internal units that face internal alleys. The design objective is for the high quality brick facades to be seen from all streets and walkways and the vinyl siding to be seen only from alleys within the development. The alleys are used primarily for garage entrances to the townhomes, rear decks, and garbage removal.

Exhibit D includes photographs of Eakin/Youngentob Associates' Westwood Village project. The photographs detail the façade treatment of the townhomes in that project. Although the architecture of the townhomes shown on Exhibit D is not representative of the architecture of the townhomes in the PUD project, the brick to vinyl transition on the rears of internal townhome units will be almost identical in this PUD project.

D. Context of Overall Project Design

1. Description of Surrounding Area

The area surrounding the overall PUD site is characterized by a mixture of uses. To the south and east are new commercial office buildings, the site of the proposed Southeast Federal Center, and the new headquarters of the U.S. Department of Transportation. Portions of the area, however, particularly to the west, are still underutilized and consist of vacant land or abandoned industrial or manufacturing structures. To the east is the 8th Street corridor, a north-south axis that terminates at the Navy Yard entrance. Several medium density commercial and industrial buildings line 8th Street, including entertainment and auto-related uses, many of which are in disrepair.

The Southeast-Southwest Freeway and Virginia Avenue act as the northern boundary of the site, with the Capitol Hill neighborhood lying to the north of these roads.

2. General Project Design

The master plan for Capper/Carrollsburg project is consistent with the major urban design goals of the Comprehensive Plan and will be a positive addition to the area. An illustrative site plan, building height diagram, and building program diagram showing the overall PUD project are attached hereto as Exhibit E. With a maximum height of 110 feet, the new buildings will reinforce the horizontal character of the District's skyline. The size and scale of new buildings, ranging from 30 to 110 feet, has been carefully adapted to enhance and strengthen the physical character of the neighborhood. Taller buildings, ranging in height from 65 to 110 feet, are placed along the Canal Park, reinforcing its identity as a public place and capitalizing on this substantial open space. New office buildings, 110 feet in height at the Canal Park and 90 feet in height at 7th Street are placed along M Street, creating a massing compatible with existing office uses, and a size and scale of building appropriate to the M Street right-of-way. The new senior building located on M Street between Fourth and Fifth Streets will be just under fifty feet, which will create an appropriate transition between the M Street office buildings, the existing 60 foot senior building and the lower townhomes to the north.

The remaining squares within the project boundaries consist of low-rise residential buildings whose scale, massing and diverse architectural language is closely patterned on Capitol Hill rowhouse blocks. With the exception of the senior building located in Square 880 which is 50 feet high, these low-rise units will range in height from 30 to 45 feet, creating an appropriate transition to the Capitol Hill neighborhood to the north. The wholesale redevelopment of this neighborhood with its diversity and high-

quality of architecture, and sensitive massing and scale establishes a positive image for this formerly distressed public housing community.

E. Properties Included in PUD

The Applicant's original development plan required that 20 privately owned properties in Square 799 and 800 be acquired either through a negotiated purchase or eminent domain. As shown on the plat attached hereto as Exhibit F, the 20 properties initially planned to be acquired or taken by eminent domain were Lots 27, 28, 29, 39, 40, 41, 42, 43, 803, 805, 808, 809, 825, 826, and 827 in Square 799 and Lots 20, 816, 818, 819 and 820 in Square 800. However, the Applicant has redesigned the layout of Square 799 such that Lots 27, 28, 29, 39, 40, 41, 42, 43, 803, 805, 808, 809, 825, 826, and 827 are no longer required to be included in the development plan. As shown in the Architectural Plans and Drawings attached hereto as Exhibit A, Lots 27, 28, 29, 39, 40, 41, 42, 43, 803, 805, 808, 809, 825, 826, and 827 in Square 799 are not included in the project design and are not included in any of the development data computations. Thus, the Applicant hereby requests that the Zoning Commission formally remove Lots 27, 28, 29, 39, 40, 41, 42, 43, 803, 805, 808, 809, 825, 826, and 827 in Square 799 as part of the PUD application, and confirm that the preliminary approval granted pursuant to Zoning Commission Order No. 03-12/03-13 is no longer applicable to Lots 27, 28, 29, 39, 40, 41, 42, 43, 803, 805, 808, 809, 825, 826, and 827 in Square 799.

Lots 20, 816, 818, 819 and 820 in Square 800, as shown in blue on Exhibit F, are included in this application. DCHA acquired Lots 20 and 816 in Square 800 through negotiated purchase, and copies of the deeds demonstrating that DCHA is the current owner of these properties are attached hereto as Exhibit G and Exhibit H, respectively. Moreover, at the request of DCHA, the Office of the Attorney General of the District of

Columbia filed a *Notice of Condemnation* (the "Notice"), *Declaration of Taking* (the "Declaration"), and a *Complaint in Condemnation Pursuant To Declaration of Taking Action Involving Real Property* (the "Complaint") to take by eminent domain Lots 818, 819 and 820 in Square 800. A copy of the Notice, Declaration and Complaint are attached hereto as Exhibit I, Exhibit J and Exhibit K, respectively. The filing of these documents terminates all outstanding private interests in the property, and transfers ownership of the property to the District of Columbia. Therefore, DCHA is proceeding with this application as the owner of Lots 818, 819 and 820 in Square 800.

III.
ISSUES/QUESTIONS RAISED BY THE OFFICE OF PLANNING

A. Number of Private Dwellings and Amount of Private Land That Will be Saved As A Result of Realigning 3rd Place

Lots 27, 28, 29, 39, 40, 41, 42, 43, 803, 805, 808, 809, 825, 826, and 827 in Square 799 will be preserved as a result of realigning 3rd Place. These 15 lots have a combined land area of approximately 17,980 square feet.

B. Consequences of Not Acquiring All Residential Properties in Square 799

The Applicant's original development plan included all properties in Square 799. However, in response to community input and the Zoning Commission's instruction to preserve as many of the existing private homes as possible, the Applicant redesigned the layout of Square 799 to not include any privately owned properties. A drawing comparing the preliminary plans for Square 799 and the current proposed plan is attached hereto as Exhibit L.

As a result of not acquiring these properties, the number of units in Square 799 has been reduced from 60 units to 45 units. A total of fourteen market rate units and one Section 8 homeownership unit have been removed from the square. The Applicant

intends to incorporate the fourteen market rate units back into the residential portions of the overall development, if feasible, and the lost Section 8 homeownership unit has already been incorporated back into the low rise portion of the development. The decision not to acquire private properties in Square 799 will have no impact on the number of Section 8 homeownership or ACC Public Housing Units in the low-rise or other portions of the overall development.

Not acquiring private properties in Square 799 has also required shifting the proposed 3rd Place fourteen feet to the east in order to maintain rear yards for existing rowhouses fronting on 3rd Street, whereas, the preliminary plan required that a portion of these lots be acquired to accommodate new units. In addition, the existing public alley in Square 799 is being retained and will be widened to 20 feet. Furthermore, the new townhouses fronting onto 3rd Place in Square 799 will have minimal rear yards in order to keep traditional residential block configuration, with houses fronting onto streets and private yards in the rear. The density of various squares has also been impacted. For example, the density of Square 798 is decreased (FAR of 1.80 from 1.83) because of the creation of mews court along 3rd Place and two new additional tot lot/play areas at the interior portion of the square. The density in Square 799 has slightly increased (FAR of 1.88 from 1.83) because of minimal rear yards in new units along 3rd Place required to maintain continuous frontage along the street. Finally, in order to maintain continuity between new townhouse units and existing rowhouses in the square, the corner of 3rd Place and K Street results in the creation of a narrow court.

C. Density of Residential and Community Center Uses

As requested by the Office of Planning, a table indicating the changes in land area and residential density, the overall new total residential square footage, and the proposed combined FAR for residential uses and the community center is attached hereto as Exhibit M.

D. Comparison of Parking Computations

As requested by the Office of Planning, a table showing a square by square comparison of the parking computations previously approved by the Zoning Commission, and the requested changes is attached hereto as Exhibit N.

E. Community Center's Roof Tower

As requested by the Office of Planning, a sheet showing additional illustrations of the community center's roof tower, which more clearly indicates the tower's height, is attached hereto as Exhibit O.

F. L Street Façade of Community Center

As requested by the Office of Planning, drawings showing additional refinement of the L Street façade of the community center together with the 5th Street and K Street facades are attached hereto as Exhibit P. Additional refinements to the L Street façade include the addition of a brick base with a decorative Flemish bond brick pattern which continuously wraps around the building, A smooth-faced brick water table with string courses is also added to reinforce the horizontal readings and unify the gym with the smaller scale components of the rest of the building. The corners of the gym have vertical glazing and protruding brick pillars which allow views into the building, marking important corners and creating spatial events that will engage the pedestrian, especially at the corner of 5th and L Streets. Landscaping is introduced especially within the area of the

brick panel to enliven the area in front of the building. Many of these elements are carried around to the other facades, also included in Exhibit P, creating a unified whole. A view of the building at night demonstrates the way in which the glazing and special lighting create heightened interest for this important community building. Not illustrated on the drawings but important is the addition of a green roof. This is one of the design features that will make this a LEED certified structure. The green roof will be highly visible from the 295 exit ramps, creating another memorable component of the building.

G. Court Relief in Square 799

As shown on Exhibit Q, there is a five foot open court located at the rear of several units fronting on the proposed 3rd Place. However, pursuant to Section 406.1 of the Zoning Regulations, this court must measure thirteen feet, four inches. The non-conforming open court is created as a result of not acquiring the private properties in Square 799. As shown on Exhibit Q, the depth of the four lots on the northwestern side of 3rd Place cannot be extended beyond the five foot open court because of the configuration of the existing private properties that will not be acquired. The Applicant is not acquiring these private properties because the goal of minimizing private property acquisition is paramount. Moreover, the east wall of the private property adjacent to the court does not have any window openings, thus the requested reduction in court width will not have any adverse impact on this property owner's light, air or ventilation. Finally, the development of the Applicant's four lots will comply with all applicable building codes, and the remainder of the Applicant's lots on the western side of 3rd Place in Square 799 meet the open court requirement.

IV. CONCLUSION

For the foregoing reasons, the Applicants respectfully request that the Zoning Commission approve the PUD application.

Respectfully submitted:

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