GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Ellen McCarthy, Director

SUBJECT: Final 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: December 9, 2005

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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).

On September 15, 2005 the Zoning Commission voted to schedule a public hearing on the Applicant's current requests for:

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).
- Removing the following properties in Square 799 from the Preliminary PUD Order and from the Second Stage application: Square 799, Lots 27-29, 39-43, 803, 805, 808, 809, and 825-827[1].

[1] This was not explicitly requested in the application, but has been added to the pre-hearing statement as a clarification

CASE NO. 03-12A/03-13A
EXHIBIT NO. 22

ZONING COMMISSION
District of Columbia
CASE NO.03-12A/03-13A
EXHIBIT NO.22

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).

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).

In its preliminary report recommending the scheduling of a public hearing, the Office of Planning raised the following issues:

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.

At the set down hearing, the Commission had questions about the following issues:

A. The requested parking reduction;
B. The location of the parking spaces;
C. The building materials for the townhouses;

D. The context of the overall PUD's design, and;
E. The specific properties included in the PUD.

II. OFFICE OF PLANNING RECOMMENDATION[2]

In the opinion of the Office of Planning (OP) the applicant has adequately addressed the issues noted above. OP recommends that the Zoning Commission approve 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, subject to the provision of the following information, and the inclusion of the following Condition.

Additional Information Required

- The specific new location of the Section 8 howeownership unit that was removed from Square 799. (See pages 5-6 of this report);
- Clarification of whether the elimination of fourteen new market rate units in Square 799 requires further modification to either the Second Stage PUD application or the Consolidated PUD; or whether the incorporation of the 14 units elsewhere in the PUD will be considered in future Second Stage. (See pages 5-6 of this report);

New Condition Recommended for Second Stage PUD Approval

- For the four single-family townhouse structures to be located in Square 799 for which an 8'4" open court reduction has been requested:
  - The northernmost structure shall be provided with a roofdeck;
  - Decks shall be permitted within the open court for the two central and the southernmost structures.
  - Each of the two central structures shall have rear decks provided on the second and third floors. The decks shall be at least four feet deep and ten feet wide;
  - The southernmost structure shall have at least one rear deck provided. The deck shall be at least four feet deep and ten feet wide.

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.

OP incorporates by reference its May 7, 2003, July 14, 2003, and September 5, 2005 reports to the Zoning Commission on Case No. 03-12/03-13.

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[2] OP believes that providing roof decks will compensate for the elimination of outdoor private space that would otherwise accompany the open court reduction. The southernmost unit is only partially affected by the court reduction request. It would still have adequate private open space and would thus not need to be provided with a roof deck as a standard feature.

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 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.

A PUD-related map amendment to the CR zone is also pending for Squares 767, 768 and the northern half of Square 769, subject to 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 five consequences of this request:

- 15 of 20 existing private residential properties in Square 799 that the applicant had initially planned to acquire will no longer need to be acquired;
- The changes will reduce the number of units included within the PUD in Square 799 from 60 to 45;
- The retention of the existing buildings and the relocation of the street will combine to reduce the private recreation space behind four townhouses in Square 799 from 13' 4" to 5", thus necessitating an open court relief request (*See Section IV.C.5 of this report*);
- 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 and the Commission had had asked the applicant to provide additional information about these changes (Requests 1-4 and Point E. in Section I of this report). The Commission asked for the information noted in Point E Section I. OP believes that most of these questions have been satisfactorily answered in the applicant's pre-hearing statement.

In OP's opinion, this request should be approved provided the applicant provides the additional information by the public hearing:

- The specific new location of the Section 8 howeownership unit that was removed from Square 799;
- Clarification of whether the elimination of fourteen new market rate units in Square 799 requires further modification to either the Second Stage PUD application or the Consolidated PUD; or whether the incorporation of the 14 units elsewhere in the PUD will be considered in future Second Stage applications.

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.

The applicant's pre-hearing statement Exhibit M clearly indicates the additions and subtractions in land area and in residential density, as had been requested by OP. (See Request No. 4 in Section 1 above).

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. 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.

OP finds the request consistent with the goals of transit-oriented development. The site is within easy walking distance of the Navy Yard metro station. 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.

OP and the Commission had asked for a Square by Square comparison of the parking numbers approved by the Zoning Commission and the parking that would result from the requested change. (OP Request No. 5 and Commission Issues and and B in Section I above). This information is included in Exhibits C and N of the pre-hearing statement.

D. Addition Zoning Commission Concerns About Both Preliminary and Second Stage PUD

At the setdown hearing, the Commission asked the applicant to provide additional information by which to judge designs and information within the context of the overall PUD. (Issue D in Section I, above). The Commission also requested examples of building materials for the townhouse sections of the project. (Issue C in Section I, above).

The applicant intends to provide three dimensional graphics of the PUD by the public hearing.

The applicant has provided pictorial examples of materials and façade treatments for the townhouse units in Exhibit D of the pre-hearing statement, and will have physical samples available at the hearing.

IV. SECOND STAGE (PHASE 1) APPLICATION

A. Proposed Development

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.

B. 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.

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 approved by the Commission. OP's Request No. 6, as noted in Section I of this report, had requested additional illustrations to clarify the stair tower's height as a roof structure. OP believes the applicant adequately addressed this in Exhibits O and P of its pre-hearing statement.

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 east, and to have the street be designated a public street.

The issues, and applicant response, were discussed in Section VI. C. 1 above.

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: OP had requested that the applicant provide additional information about the number of units that would be affected by the open court reduction, and what the impact would be. The applicant has provided this in Exhibit Q in its pre-hearing statement.

In order to maintain marketable size for the affected units on the west side of 3rd Place, at K Street, and in order to maintain the continuity of frontage on that important street, the applicant has minimized the distance between the rear wall of the northernmost affected unit and the side wall of the adjacent existing property that is to be retained on K Street.

OP believes this accomplishes an important urban design objective, but at the loss of necessary private open space for four of the five affected units. The fifth would be only partially affected by the court requested relief. Therefore, OP recommends the Commission approve this request with the following condition:

- For the four single-family townhouse structures to be located in Square 799 for which an 8'4" open court reduction has been requested:
  - The northernmost structure shall be provided with a roof deck;
  - Decks shall be permitted within the open court for the two central and the southernmost structures.
  - Each of the two central structures shall have rear decks provided on the second and third floors. The decks shall be at least four feet deep and ten feet wide;
  - The southernmost structure shall have at least one rear deck provided. The deck shall be at least four feet deep and ten feet wide.

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: The applicant has addressed the questions raised by OP, as has been discussed under Section IV. C. 3 of this report.

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. In its preliminary report OP expressed concern that the treatment of the central portion of the L Street façade made it read as a "rear" façade, rather than as an elevation on a L'Enfant street. OP encouraged 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.

The applicant has done this, as illustrated in the third sheet of Exhibit O of the pre-hearing statement. OP believes the façade now presents a dignified front to L Street.

E. Additional Zoning Commission Comments on 2nd Stage Application

Building Materials

The Commission was particularly concerned about the quality of the façade design and materials for the townhouse units. The applicant has addressed this in Exhibit D.

V. AGENCY REFERRALS

As of December 2, 2005 there were no other Agency comments in the record. OP has spoken to the Department of Transportation, which expects to file a report before the public hearing.

VI. SUMMARY

In the opinion of the Office of Planning (OP) the applicant has adequately addressed the issues noted above. OP recommends that the Zoning Commission approve 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, subject to the provision of the following information, and the inclusion of the following Condition.

Additional Information Required

- The specific new location of the Section 8 howeownership unit that was removed from Square 799. (See pages 5-6 of this report);
- Clarification of whether the elimination of fourteen new market rate units in Square 799 requires further modification to either the Second Stage PUD application or the Consolidated PUD; or whether the incorporation of the 14 units elsewhere in the PUD will be considered in future Second Stage. (See pages 5-6 of this report);

New Condition Recommended for Second Stage PUD Approval

- For the four single-family townhouse structures to be located in Square 799 for which an 8'4" open court reduction has been requested:
  - The northernmost structure shall be provided with a roof deck;
  - Decks shall be permitted within the open court for the two central and the southernmost structures.
  - Each of the two central structures shall have rear decks provided on the second and third floors. The decks shall be at least four feet deep and ten feet wide;
  - The southernmost structure shall have at least one rear deck provided. The deck shall be at least four feet deep and ten feet wide.

EMC/slc

Attachment


EXTENT OF
PRELIMINARY PUD
EXTENT OF
CONSOLIDATED PUD
797
Senior 1
EXTENT OF PHASE 1 -
SECOND STAGE PUD
739
767
798
824
880
Canal Park
768
799
825
881N
769
800
825S
853N
882
EXTENT OF PHASE 1 -
SECOND STAGE PUD
M Street
Senior 2
EXTENT OF
PRELIMINARY PUD