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August 31, 2005

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VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

ZONING COMMISSION
CASE No. 03-12B/03-13B
EXHIBIT No. 1

Re: Minor Modification of Z.C. Order No. 03-12/03-13; Zoning Commission Case Nos. 03-12 and 03-13; Preliminary and Consolidated Approvals for PUD and Related Map Amendment for Squares 739, 767, 768, 769, 797, 798, 800, 825, 825S, and 882 and Portions of Squares 737, 799, 824, N853, and 880

Dear Members of the Commission:

Capper/Carrollsburg Venture, LLC, together with the District of Columbia Housing Authority, (collectively the "Applicant"), hereby requests the Zoning Commission to approve a minor modification to the consolidated planned unit development ("PUD") and zoning map amendment approved for Squares 739, 767, 768, 769, 797, 798, 800, 825, 825S, and 882 and Portions of Squares 737, 799, 824, N853, and 880 in Zoning Commission Order No. 03-12/03-13, dated October 8, 2004 (the "Order"). A copy of the Order is attached as Exhibit 1.

## I. Background

On March 21, 2003, the Applicant filed an application seeking preliminary and consolidated approval of a PUD for property located in the Southeast quadrant of Washington, D.C. and generally bounded by 2nd Street on the west, 7th on the east, Virginia Avenue on the north, and M Street on the south. The property consists of approximately 927,000 square feet of land area. Pursuant to the Order, the Commission granted consolidated and preliminary approval of the PUD and also granted a PUD-related map amendment to rezone certain properties from R-5-B to CR.

A portion of the project approved by the Commission includes an apartment complex devoted to low-income senior citizens in Square 825S, known as Senior Building 2. Square

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825S is zoned R-5-B, which permits a maximum height of 50 feet as a matter-of-right. 11 DCMR §400.1. Specifically, the Commission granted consolidated approval to construct an addition consisting of approximately 138 units to the existing senior apartment building, and authorized the addition to be 45 feet in height. (*See* Findings of Fact Nos. 33 and 45; Conditions Nos. 2 and 8(g)). The senior building on Square 825S is adjacent to the existing 60-foot tall senior building owned by the D.C. Housing Authority, and the Commission found that the proposed building height of 45 feet for the senior building will establish a transition between the 410 M Street structure and the new single-family structures to the north. (*See* Finding of Fact No. 45.) The Commission required the consolidated PUD to be developed in accordance with the plans dated May 27, 2003, marked as Exhibit No. 17 in the record of case No. 03-12 (the "Consolidated Plans") (*See* Conclusion of Law No. 24(a)). A copy of Sheets S-3.1, A-5.0, A-5.1, A-5.2 and A-6.0 of the Consolidated Plans showing the approved senior apartment building development data, elevations and building section are attached hereto as Exhibit 2.

## II. Modification Requested

The Applicant seeks a minor modification to change the height of the senior apartment building in Square 825S from 45 feet to 48 feet, 3 ¾ inches, which is less than the R-5-B matter-of-right height of 50 feet. A copy of the corrected plans for Senior Building 2 are attached hereto as Exhibit 3.

The building height listed in the development data sheet of the Consolidated Plans indicates the proposed height of the senior building in Square 825S is 45 feet. However, the actual building height shown on Sheets A-5.1 and A-5.2 of the Consolidated Plans is approximately 44 feet, 1 inch, as measured from the measuring point (Elevation 80.57) to the roof (Elevation 124.67), and 47 feet, 8 inches, as measured from the measuring point (Elevation 80.57) to the top of the parapet. The building height of 47 feet, 8 inches is shown, but not dimensioned, on the Consolidated Plans. The measuring point of Elevation 80.57 feet relied upon in preparing the Consolidated Plans was based upon preliminary survey information. However, the actual measuring point is 20.08 feet. This measuring point, which is over 60 feet lower than that relied upon in preparing the Consolidated Plans, is based upon actual survey data the Applicant received subsequent to issuance of the Order. The perimeter roof coping as now designed is at Elevation 68.39 feet. Therefore, the proposed building height, based upon the actual measuring point, is calculated as follows: 68.39 feet – 20.08 feet = 48.31 feet, or 48 feet, 3 ¾ inches.

Senior Building 2 as designed exceeds 45 feet by 3 feet, 3 ¾ inches for several reasons. As discussed above, the actual measuring point, which has been established based upon the final site survey, is over 60 feet lower than that relied upon in the Consolidated Plans. Moreover, the entire Senior Building 2 has been raised out of the ground approximately three feet to accommodate a bio-retention pond within the central courtyard. The bio-retention pond was "strongly recommended" by the District of Columbia Department of Health ("DCDOH") during DCDOH's review of the project, and is a significant environmental benefit to the development. The Applicant has proposed raising the basement floor from Elevation 15.00 feet to approximately Elevation 18.00 feet in order

to accommodate positive over-land relief for the bio-retention pond and to help prevent flooding of the building.

The Applicant has sreduced the overall height of Senior Building 2 to its lowest possible level by eliminating the roof parapet and utilizing internal roof drains. Further, the ceiling heights at all residential floors are just eight feet. Moreover, the basement ceiling height has been set at the absolute minimum to accommodate programming and services for the residential units above. Finally, the proposed height of 48 feet, 3 ¾ inches will also establish a transition between the 410 M Street structure and the new single-family structures to the north.

Accordingly, the Applicant respectfully requests that the Zoning Commission place this matter on its consent calendar, approve the proposed minor modification as shown on the plans attached hereto as Exhibit 3, and revise Condition No. 8 on page 32 of the Order to read as follows:

8. Except for roof structures, the maximum permitted heights shall be as follows:

a. For the office buildings in Square 769: 110 feet;

b. For the office buildings in Square 882: 90 feet;

c. For the apartment buildings in Squares 768 and 769: 110 feet;

d. For the apartment building in Square 739: 130 feet;

e. For the apartment building in Square 767 and the existing senior apartment building in Square 825: 65 feet;

f. For the senior apartment building in Square 880: 50 feet;

*g. For the senior apartment building in Square 825S: 48 feet, 3 ¾ inches;

h. For the remaining residential buildings: 45 feet;

i. For the community center building: 25 feet; provided that:

j. Roof structures may exceed the maximum permitted building height up to a maximum of 18 feet, 6 inches above the roof on which they are located, in accordance with the provisions of the Zoning Regulations.

*Proposed new subsection.

Thank you for your consideration of this matter.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Whayne Quin/KLF
Whayne S. Quin
Kyrus L. Freeman

Attachments

cc: Advisory Neighborhood Commission 6D (via hand delivery)
D.C. Office of Planning (via hand delivery)