

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning 2:21



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin *SS*
Secretary to the Zoning Commission

Date: October 17, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on October 26, 2007:

1. Z.C. Order No. 03-12D/03-13D;
2. Z.C. Order No. 03-12E/03-13E;
3. Z.C. Order No. 03-30A;
4. Z.C. Order No. 04-19A;
5. Z.C. Order No. 04-36;
6. Z.C. Order No. 05-24A;
7. Z.C. Order No. 05-38;
8. Z.C. Order No. 06-31; and
9. Z.C. Order No. 07-12.

Attachment

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

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ZONING COMMISSION
District of Columbia
CASE NO. 03-12D/03-13D
EXHIBIT NO. 9
EXHIBIT NO.9

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 03-12D/03-13D
Z.C. Case No. 03-12D/03-13D
(Capper/Carrollsborg Venture, LLC and District of Columbia
Housing Authority - Minor Modification to PUD)
March 26, 2007

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a special public meeting on March 26, 2007. At the meeting, the Commission approved an application from Capper/Carrollsborg Venture, LLC, together with the District of Columbia Housing Authority ("DCHA") (collectively the "Applicant") for a minor modification to the consolidated planned unit development ("PUD") and zoning map amendment approved pursuant to Zoning Commission Order No. 03-12/03-13, dated October 8, 2004.

The Commission has determined that the modification request is properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

By Zoning Commission Order No. 03-12/03-13, effective October 8, 2004, the Commission approved the Applicant's application for a consolidated PUD and zoning 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. The property included in the PUD approval is 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.

A major component of the approved PUD includes DCHA's commitment to provide a one-for-one replacement of the public housing units previously existing at Capper/Carrollsborg. This commitment encompasses the replacement of 707 public housing units, which included 300 units for senior citizens. The original plan approved by the Commission provided for the senior units to be located in two separate elderly-only buildings identified as "Senior Building 1" and "Senior Building 2."

By letter dated August 31, 2005, the Applicant filed a request to place a minor modification to Zoning Commission Order No. 03-12/03-13 on the Zoning Commission's Consent Calendar pursuant to § 3030 of the Zoning Regulations. The Applicant requested that the Commission approve a minor modification to change the height of the senior multi-family building in Square 825S from 45 feet to 48 feet, 3 ¾ inches and to approve the plans attached to the August 31,

2005 letter. By Zoning Commission Order No. 03-12B/03-13B, dated April 7, 2006, the Zoning Commission approved the minor modification and the revised plans attached to the August 31, 2005 letter.

By letter dated February 26, 2007, the Applicant filed a request to place an additional minor modification to Zoning Commission Order No. 03-12/03-13 on the Commission's Consent Calendar. The letter requested that the Commission approve a minor modification to change the designation of the multi-family building in Square 825S such that it is not required to be exclusively senior housing. As a basis for the minor modification, DCHA indicated that, based upon DCHA's experience with filling Senior Building 1 in accordance with the readmission criteria and the move-in preferences developed by residents and staff, there will not be enough eligible and qualified public housing senior applicants to fill and justify the senior only designation for the multi-family building in Square 825S. The Applicant also indicated that all of the units in the building will remain public housing units and seniors will be able to live in the building.

The minor modification will not result in any change to the program, number of public housing units, or overall square footage of public housing approved pursuant to the PUD. Moreover, there will be no change to the building's FAR, height, number of stories, number of units, lot occupancy, number of parking spaces, or any other factor previously reviewed and approved by the Commission.

By letter dated March 12, 2007, the Applicant confirmed that there will be no reduction in the number of replacement public housing units included in the PUD and that the units in the building will be dedicated to public housing households earning less than 60% of the Area Median Income.

In response OP's request that the Applicant address the potential impact of the requested minor modification on the overall parking plan approved by the Commission, as well as the impact of the requested minor modification on parking in "Senior Building 2," the Applicant submitted a letter, dated March 23, 2007, indicating that, based upon the low percentage of public housing residents who own vehicles, as well as the close proximity of the building to the Navy Yard Metro Station, the amount of parking provided in the building will be sufficient to meet the anticipated demand. Moreover, the Applicant cannot provide any more off-street parking within the building since the building is 90% completed. In order to meet the parking requirement, the Applicant proposed to provide the difference between the number of spaces located in the garage and the total number required from the following options: (1) reserve, on an interim basis, parking spaces on surface parking lots to be located on Squares 767, 768, and 769 (land owned by the Applicant); and/or (2) enter into a phased, shared-parking agreement with an office building within the PUD that will have available spaces during non-office hours; and/or (3) provide a minimum of 2 car-sharing spaces in close proximity to the building and enter into an agreement with a car-sharing provider to offer membership at discounted rates to occupants of the building.

The Office of Planning ("OP"), by report dated March 8, 2007, indicated it did not have enough information to make a positive recommendation on the requested modification and, therefore, recommended that the Commission schedule a public hearing on the request. However, at the Commission's public meeting on March 12, 2007, OP stated the Commission should defer action on the requested modification so that OP could meet with the Applicant to discuss the requested modification. By report dated March 26, 2007, OP indicated the Applicant met with OP and adequately responded to the questions raised by OP. Thus, OP recommended that the Commission consider the Applicant's requested change to the PUD as a minor modification, provided the Applicant agrees to the following conditions:

1. The Applicant agrees to provide, for certain portions of the day, 70 parking spaces (1 per 2 units) for the building in question by:
 - a. Permanently reserving 33 24-hour spaces in the building formerly known as Senior Building 2 in Square 825S for the exclusive use of residents of that building or their guests;
 - b. Reserving, on an interim basis until parking noted in Points "c and d," below, can be provided, no fewer than 37 24-hour parking spaces on surface parking lots to be located on Squares 767, 768, and/or 769 (land owned by the Applicant) for the exclusive use of residents of the building formerly known as Senior Building 2 or their guests;
 - c. Reserving on a permanent basis, 21 24-hour spaces within three blocks of the subject building for the exclusive use of residents of the buildings formerly known as Senior Building 2 or their guests; and
 - d. Entering into a phased, shared-parking arrangement with office buildings in Squares 769 and/or 882 to provide no fewer than 16 parking spaces, between the hours of 5:30 p.m. and 8:30 a.m. weekdays and 24 hours on federal holidays and weekends, for the exclusive use of residents of the building formerly known as Senior Building 2 or their guests.
2. The Applicant agrees to provide a minimum of 2 car-sharing spaces within 3 blocks of the subject building and enter into an agreement with a car-sharing provider to offer memberships at discounted rates to occupants of the building.

A full copy of this request for a minor modification was served on Advisory Neighborhood Commission ("ANC") 6D. No comments were received from ANC 6D.

On March 26, 2007, at a special public meeting, the Commission placed the Applicant's request for a minor modification on the Commission's Consent Agenda.

CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modification is minor and consistent with the intent of Zoning Commission Order No. 03-12/03-13. The Commission concludes that the proposed modification is in the best interest of the District of Columbia and is not inconsistent with the intent and purpose of the Zoning Regulations and Zoning Act.

The approval of the modification is not inconsistent with the Comprehensive Plan. Further, the requested minor modification will not affect any of the other conditions of the approved PUD. The modification is of such a minor nature that its consideration as a consent calendar item without public hearing is appropriate.

DECISION

In consideration of the reasons set forth herein, the Zoning Commission hereby orders **APPROVAL** of a minor modification to change the designation of the multi-family building in Square 825S such that it is not required to be exclusively senior housing. Accordingly, Condition No. 6 of Zoning Commission Order No. 03-12/03-13 shall be revised to read as follows:

6. A minimum of 695 of the residential units shall be devoted to public housing, including 162 units in Senior Building 1 devoted exclusively to senior public housing units and the building constructed in the northern portion of Square 825S devoted to both senior housing and workforce public housing units for households earning between 30% and 60% of the Area Median Income. A minimum of 50 units shall be home-ownership Section 8 units under the HUD program. In addition, the Applicant shall provide 70 parking spaces for the building by taking the following measures:
 - a. Permanently reserving thirty-three (33) 24-hour spaces in the building formerly known as Senior Building 2 in Square 825S for the exclusive use of residents of that building or their guests;
 - b. Reserving, on an interim basis until parking noted in Points "c and d," below, can be provided, no fewer than thirty-seven (37) 24-hour parking spaces on surface parking lots to be located on Squares 767, 768, and/or 769 (land owned by the Applicant) for the exclusive use of residents of the building formerly known as Senior Building 2 or their guests;

- c. Reserving on a permanent basis, twenty-one (21) 24-hour spaces within three blocks of the subject building for the exclusive use of residents of the building formerly known as Senior Building 2 or their guests;
- d. Entering into a phased, shared-parking arrangement with office buildings in Squares 769 and/or 882 to provide no fewer than sixteen (16) parking spaces, between the hours of 5:30 p.m. and 8:30 a.m. weekdays and 24 hours on federal holidays and weekends, for the exclusive use of residents of the building formerly known as Senior Building 2 or their guests; and
- e. Provide a minimum of 2 car-sharing spaces within 3 blocks of the subject building and enter into an agreement with a car-sharing provider to offer memberships at discounted rates to occupants of the building.

All other provisions and conditions of Zoning Commission Order No. 03-12/03-13 remain in effect.

Vote of the Zoning Commission taken at the public meeting on March 26, 2007: 5-0-0 (Carol J. Mitten, Michael Turnbull, Gregory N. Jeffries, Anthony J. Hood, and John G. Parsons to approve).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on OCT 26 2007.