

February 26, 2007

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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  
District of Columbia

CASE NO. 03-12D/13D

EXHIBIT NO. 1

RECEIVED  
D.C. OFFICE OF ZONING  
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03-12D/03-13D

Re: Minor Modification of  
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/Carrollsborg Venture, LLC, together with the District of Columbia Housing Authority ("DCHA"), (collectively the "Applicant"), hereby requests that the Zoning Commission 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. A copy of Order No. 03-12/03-13 is attached as Exhibit 1. As discussed in more detail below, the Applicant is seeking a minor modification to change the designation of the building constructed in Square 825S such that it is not required to be exclusively dedicated to "senior" housing.

**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 2<sup>nd</sup> Street on the west, 7<sup>th</sup> 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 Order No. 03-12/03-13, 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 pursuant to Order No. 03-12/03-13 includes a 138-unit building located in Square 825S. The building, identified as "Senior Building 2," was

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initially proposed by the Applicant to be public housing units devoted exclusively to senior citizens. See Order No. 03-12/03-13, Finding of Fact No. 33. The Commission granted consolidated approval for "Senior Building 2," consistent with the plans dated May 27, 2003, marked as Exhibit No. 17 in the record of case No. 03-12 (the "Consolidated Plans"). See Order No. 03-12/03-13, Condition 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 building's development data, elevations and building section are attached hereto as Exhibit 2. The Applicant has completed construction of nearly 80% of this building.

On October 7, 2005, the Applicant filed an application seeking second-stage review and approval for Squares 799, 800 and 881W. This application also included a request for flexibility from Condition No. 11 of Order No. 03-12/03-13 to reduce the overall number of off-street parking spaces for the residential portion of development from 1,980 spaces to 1,241 spaces. Pursuant to Order No. 03-12A/03-13A, a copy of which is attached hereto as Exhibit 3, the Commission granted final approval for Squares 799, 800 and W881, and reduced the amount of off-street parking required for the residential portion of the overall PUD to 1,241 spaces.

## **II. Modification Requested**

The Applicant seeks a minor modification to change the designation of the multifamily building in Square 825S such that it is not required to be exclusively senior housing. The requested minor modification will allow DCHA to create a mixed-age environment where elderly individuals and small working families will be welcomed since DCHA has recognized a critical need for workforce housing in its public housing portfolio.

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 Applicant's original proposal 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."

As set-forth in the letter attached hereto as Exhibit 4 prepared by DCHA, the seniors that resided at Capper/Carrollsborg at the time the HOPE VI grant was awarded and the PUD approved have either moved into Senior Building 1 or have been relocated to a new address. In order to fill Senior Building 1, DCHA followed both the readmission criteria and the move-in preferences developed by residents and staff, which include the following: 1) Capper seniors that resided at the original senior-only building previously existing at Capper/Carrollsborg, 2) Capper senior returning residents that did not previously live in a senior-only building, 3) seniors living in public housing in SW and SE, 4) senior residents living in any DCHA property, and 5) seniors in the metro-DC area not living in public housing. This review process required DCHA to review over 1,000 applications in order to select 162 eligible and qualified senior applicants to reside in Senior Building 1. Ultimately, DCHA's central waiting listing of applicants meeting the readmission criteria was insufficient to fill the vacancies at Senior Building 1, and based upon this experience, DCHA

anticipates that there will not be enough eligible and qualified senior applicants to fill and justify the senior only designation for "Senior Building 2."

All of the units in "Senior Building 2" will remain public housing units and seniors will still be able to live in "Senior Building 2." Indeed, DCHA is committed to making sure that the housing needs of seniors are met, and DCHA is continually working toward meeting those needs. In addition, the Applicant is not seeking any changes to the layout of the Consolidated Plans in connection with this requested minor modification. 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. Finally, as shown on Exhibit 5, the Applicant will still be providing the 707 replacement units throughout the overall PUD.

Accordingly, the Applicant respectfully requests a minor modification as described herein to change the designation of the building constructed in Square 825S such that it is not required to be exclusively dedicated to "senior" housing, and requests that the Commission revise Condition No. 6 on page 31 of Order No. 03-12/03-13 to read as follows:

6. A minimum of 695 of the residential units shall be devoted to public housing, including ~~300 units in the two senior buildings~~ 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 and workforce public housing units. A minimum of 50 units shall be home-ownership Section 8 units under the HUD program.

Should the Commission determine that this request does not constitute a minor modification suitable for consideration on the Commission's consent calendar, the Applicant respectfully requests that the Commission schedule a hearing on this request as soon as possible and accept this letter as the Applicant's Prehearing Statement.

Thank you for your consideration of this matter.

Respectfully submitted,

HOLLAND & KNIGHT LLP

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

Attachments

cc: Advisory Neighborhood Commission 6D (via hand delivery)  
D.C. Office of Planning (via hand delivery)  
Paul Rowe, David Coriella, DCHA (via UPS)  
Dan McCabe, Mid-City Urban(w/enclosures - via UPS)