

**THE ARTHUR CAPPER/CARROLLSBURG
PLANNED UNIT DEVELOPMENT**

CASE NO. 03-12H/03-13H

**PREHEARING STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
REQUEST FOR MODIFICATIONS OF
CONDITIONS REGARDING SQUARES 739, 767, 768 AND S825**

December 5, 2008

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D.C. OFFICE OF ZONING

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

03-12/03-13H
3

DEVELOPMENT TEAM

Owner:	District of Columbia Housing Authority 1133 North Capitol Street, NE Washington, DC 20001
Applicant/Developer of Residential:	Mid-City Urban 7735 Old Georgetown Road, Suite 600 Bethesda, MD 20814
Applicant/Developer of Office:	Forest City Washington 1615 L Street, NW, Suite 400 Washington, DC 20036
Architect of Office:	Shalom Baranes Associates 3299 K Street, NW, Suite 400 Washington, DC 20007
Architect of Residential:	The Lessard Group 8521 Leesburg Pike, Suite 700 Vienna, VA 22182
Landscape Architect:	EDAW 601 Prince Street Alexandria, VA 22314
Civil Engineers:	VIKA 8180 Greensboro Drive, Suite 200 McLean, Virginia 22102
Traffic Consultant:	Gorove/Slade Associates, Inc. 1140 Connecticut Avenue, Suite 700 Washington, DC 20036
Land Use Counsel:	Holland & Knight LLP 2099 Pennsylvania Avenue, N.W., Suite 100 Washington, DC 20006

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LIST OF EXHIBITS

Exhibit	Description
A	Zoning Commission Order No. 03-12/03-13
B	Zoning Commission Order No. 03-12A/03-13A
C	Zoning Commission Order No. 03-12D/03-13D
D	Excerpt of Plans Prepared by Torti Gallas and Partners, dated May 27, 2003, marked as Exhibit No. 19 in the record of Case No. 03-12 (the "Preliminary Plans")
E	Modification Prehearing Statement Plans
F	Supplemental Traffic Analysis Memorandum prepared by Gorove/Slade Associates, Inc.
G	List of Witnesses and Outlines of Witness Testimony
H	Resumes of Witnesses
I	List of Maps, Plans or Other Documents Readily Available To The Public, Which May Be Offered Into Evidence
J	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property

**CERTIFICATION OF COMPLIANCE
WITH SECTION 3013 OF THE ZONING REGULATIONS**

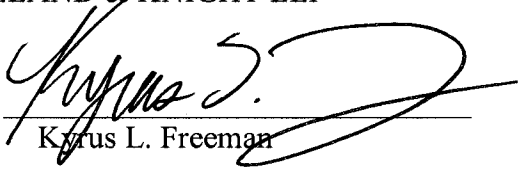
The Applicant hereby certifies that this application, one original and twenty copies of which were filed with the Zoning Commission on December 5, 2008 complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<u>Subsection</u>	<u>Description</u>	<u>Page</u>
3013.1(a)	Information Requested by Zoning Commission and Office of Planning	Pgs. Herein
3013.1(b)	List of Witnesses	Exhibit G
3013.1(c)	Summary of Testimony of Applicant's Witnesses and Reports for Record	Exhibit G
3013.1(e)	Reduced Plans	Exhibit D & E
3013.1(f)	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence	Exhibit I
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit G
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of The Subject Property	Exhibit J

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: 

Kyrus L. Freeman

I. INTRODUCTION

This statement and the attached documents support the application of Capper/Carrollsborg Venture, LLC, together with the District of Columbia Housing Authority ("DCHA"), (collectively the "Applicant"), to the Zoning Commission for the District of Columbia ("Commission") for the approval of modifications to portions of a previously approved Planned Unit Development ("PUD") in Squares 739, 767, 768 and S825. As set forth below, this Prehearing Statement meets the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

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 870,871 square feet of land area. The overall development will replace and redevelop one of the most severely deteriorated public housing projects in the city, and includes 695 replacement public housing units. The project is made possible, in part, by a HOPE VI grant from the U.S. Department of Housing and Urban Development. The provision of the residential and office buildings included in this application will significantly advance the overall goals of the PUD by providing financial leverage for the construction of the replacement public housing units.

Pursuant to Order Number 03-12/03-13, granted October 8, 2004, the Commission granted preliminary approval of the PUD for portions of properties located in Squares 737, 799, 800, 824, N853, 880, Square W881, and all of Squares 739, 767, 768, 769, 797, 798, 825, and S825. See Order Number 03-12/03-13, dated February 6, 2004, effective October 8, 2004, attached hereto as **Exhibit A**. The Commission also

granted consolidated approval of the PUD for portions of Square 824, S825, and 880, and all of Squares 797, 798 and 825. The Commission also granted a PUD-related map amendment to rezone portions of the overall PUD Site from R-5-B to CR upon completion of the second-stage approval of the PUD. The Commission issued Order No. 03-12/03-13 subject to a number of conditions regarding the design, layout and other parameters for development of the PUD.

On April 29, 2005, Capper/Carrollsborg Venture, LLC in conjunction with DCHA, filed the first in a series of applications seeking second-stage approval for portions of the project preliminarily approved pursuant to Zoning Commission Order 03-12/03-13. That application also sought approval to modify portions of the parking requirements for the consolidated PUD approval. That application included Squares 799, 800, and 881W, and was approved pursuant to Order No. 03-12A/03-13A, which became final and effective on September 15, 2006. A copy of Order No. 03-12A/03-13A is attached hereto as **Exhibit B**.

By letter dated February 26, 2007, the Applicant requested that the Zoning Commission approve 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 building has been constructed and is currently occupied, and all of the units are public housing units and includes seniors. The Commission approved this minor modification pursuant to Order No. 03-12D/03-13D, effective October 26, 2007, a copy of which is attached hereto as **Exhibit C**.

The Applicant is now seeking approval to modify conditions related to remaining portions of the overall PUD to be developed in Squares 739, 767 and 768, and conditions relating to the multifamily building in Square 825S. A chart summarizing the requested

modifications follows:

	Prior Approvals	Proposed Modification
Number of units	1,645	1,747
Residential FAR	2.34	2.36
Office FAR	0.80	0.87
Commercial Gross Floor Area	753,000 (702,00 office and 51,000 retail)	759,302 (708,302 office and 51,000 retail)
Parking Spaces (Overall)	1,845 (1,241 residential and 604 commercial)	1,780 (1,346 residential and 434 commercial)
Parking Spaces (Square 825S)	33 on-site 70 off-site	33 on-site

II. ISSUES/CONCERNS RAISED BY THE ZONING COMMISSION AND THE OFFICE OF PLANNING

A. Clarification of Requested Modifications to Conditions of Orders

1. Modification of Conditions Regarding Number of Units and Density

The Applicant is seeking a modification to Condition No. 5 of Order No. 03-12/03-13 and Condition No. 7 of Order No. 03-12/03-13 (as amended by Condition No. 9 of Order No. 03-12A/03-13A) to increase the overall density of the project. Condition No. 5, which deals with the overall project density, provides that:

The project in its entirety shall include a maximum of 1,645 residential units, a maximum of 702,000 square feet of gross floor area of office space, a maximum of 51,000 square feet of gross floor area of retail space, and a community center including approximately 18,000 square feet of gross floor area. The distribution of uses and densities shall be as shown on the Site Plan Development Data, Sheet S-3.1 of the Preliminary Plans.

Similarly, Condition No. 7 of Order No. 03-12/03-13 provides that:

The overall maximum permitted residential density shall be 2.21 FAR across the project as a whole, for a maximum permitted gross floor area of 2,092,081 square feet, including the community center. The overall maximum permitted office and retail density shall be 0.80 FAR across the project as a whole (1.87 FAR based on the land area to be zoned C-3-C and CR), for a maximum permitted commercial gross floor area of 753,000 square feet. The project shall also include the density currently contained on the Van Ness Elementary School site in Square 853N.

Condition No. 9 of Order No. Order No. 03-12A/03-13A modified Condition No. 7 of Order No. 03-12/03-13 to provide that the overall maximum permitted residential density shall be 2.34 FAR across the project as a whole, for a maximum permitted gross floor area of 2,138,431 square feet, including the community center.

The Applicant proposes to increase the overall maximum number of residential units from 1,645 units to 1,747 units; to increase the overall maximum office gross floor area from 702,000 square feet to 708,302 square feet (thereby increasing the overall commercial gross floor area from 753,000 to 759,302 square feet) ; to increase the overall maximum residential density from 2.34 FAR to 2.36 FAR; to increase the overall maximum permitted office and retail density from 0.80 FAR to 0.87 FAR across the project as a whole; and to decrease the overall number of parking spaces from 1,845 to 1,780 off-street parking spaces. The new proposed distribution of uses and densities is shown on the Overall Plan and Overall Analysis (Site Plan Development Data) sheets included in the Modification Prehearing Statement Plans (the "Modification Prehearing Plans") attached hereto as **Exhibit E**.

As will be discussed in more detail at the public hearing, due to deteriorating economic conditions, it is necessary to increase the density of the project in order to supplement funds needed to cover the replacement costs of the public housing units. The increased revenue projected from the sale or rental of these additional market rate units

and increased commercial area will help to offset falling real estate values, increased financing costs, increased construction costs and decreasing land values, and help to make the construction of the remaining public housing units feasible.

2. Modification of Conditions Regarding Number of Parking Spaces

The Applicant is seeking a modification to reduce the overall amount of parking required for the PUD. Pursuant to Condition No. 11 of Order No. 03-12/03-13, the overall project is required to include a minimum of 1,980 off-street parking spaces, and the distribution of the spaces must be as shown on the Parking Plan, Sheet T-3.0 of the Preliminary Plans. The Parking Plan indicates that 1,396 off-street parking spaces would be provided for the residential portion of the development and 604 off-street parking spaces would be provided for the commercial portion. However, pursuant to Condition 10 of Order No. 03-12A/03-13A the number of required parking spaces for the residential portion of the project was reduced to 1,241 off-street parking spaces. Thus, the overall project is currently required to include a minimum of 1,845 off-street parking spaces.

As shown on the Overall Analysis (Site Plan Development Data) sheet included in the Modification Prehearing Plans, the Applicant proposes to provide 1,346 parking spaces for the residential portion of the development, which exceeds the requirement of providing 1,241 residential parking spaces. The proposed parking spaces are spread throughout the development. However, the Applicant is seeking a modification to reduce the number of required off-street parking spaces for the commercial portion of the development from 604 to 434 spaces. Thus, the net proposed parking reduction is 65 total spaces.

As discussed in more detail in the Applicant's prehearing statement submitted concurrently with this statement in Zoning Commission case 03-12G/03-13G, the

proposed commercial reduction occurs from decreasing the number of parking spaces for the office building in Square 882 from 400 to 284 off-street parking spaces, which meets the requirement of Section 2101 of the Zoning Regulations. By providing the minimum requirement of Section 2101 of the Zoning Regulations, the Applicant believes it can successfully serve the needs of building occupants. Moreover, as indicated in the analysis prepared by Gorove/Slade Associates, Inc. filed with the PUD Submission, reducing the number of parking spaces will not have an adverse impact on the project or the area. Finally, the requested parking reduction is consistent with the District's current policy goals of reducing parking and the demand for vehicles in areas adequately served by Metro facilities.

**3. Modification of Condition No. 6 of Order No. 03-12D/03-13D
Regarding Parking For Multifamily Building in Square S825**

The Applicant is also seeking a modification to reduce the overall number of parking spaces required for the building in Square 825S to 33 spaces. Pursuant to Z.C. Order No. 03-12D/03-13D approving 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. Condition No. 6 of Z.C. Order No. 03-12/03-13 was revised to provide in conditions 6(b) through (e) that the Applicant must provide 70 parking spaces for the multi-family building in Square 825S by providing additional parking spaces throughout the development.

The Applicant has permanently reserved 33 parking spaces in the multi-family building in Square 825S for the exclusive use of residents of that building or their guests. However, the Applicant is seeking approval to eliminate the other requirements to provide off-site parking since the amount of on-site parking provided for the building is sufficient to meet the actual demand for that building. As indicated in the analysis

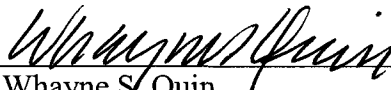
prepared by Gorove/Slade Associates, Inc. attached hereto as **Exhibit F**, actual experience since the building was occupied indicates that the existing parking garage is not fully-utilized by the current residents or their guests, and there is adequate capacity to accommodate any additional parking demand.

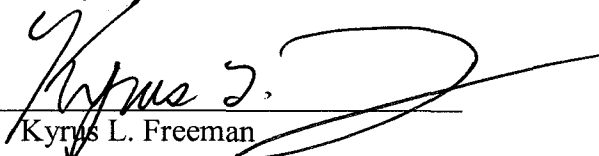
III. CONCLUSION

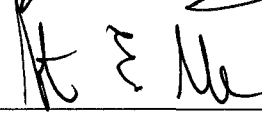
For the reasons stated above, the Applicant respectfully requests that the Zoning Commission approve the requested modifications as described herein.

Respectfully submitted:

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