

REPORT TO THE ZONING COMMISSION

CASES NO. 03-12G/03-13G

03-12H/03-13H

03-12I/03-13I

CAPPER/CARROLLSBURG PUD

STEVEN E. SHER,
DIRECTOR OF ZONING AND LAND USE SERVICES
HOLLAND & KNIGHT LLP

MARCH 19, 2009

- I. Introduction
- II. Status of development (see aerial photos, attached)
- III. Nature of applications
 - A. Case No. 03-12I/03-13I – extensions of time to file:
 - 1. Second stage applications for remaining properties; and
 - 2. For permits and to start construction on the community center in Square 881W
 - B. Case No. 03-12H/03-13H – Modifications of an approved first stage planned unit development (entire property)
 - C. Case No. 03-12G/03-13G – Final review of planned unit development for apartment houses in Squares 769 and 882 and the office building in Square 882
- IV. Extensions of time
 - A. Second stage applications for remaining properties
 - 1. Original approval by Order No. 03-12 (effective October 8, 2004) granted consolidated approval for a portion of the low-rise residential development
 - 2. Order No. 03-12 further provided that applications for final approval for the remainder of the PUD could be filed in one or more stages
 - a) If only one phase, then to be filed within 18 months

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

- b) If more than one phase, then first to be filed within 18 months and was to include a phasing plan for the remaining applications
 - c) All to be filed within 4 years (by October 8, 2008)
3. Final applications are being processed in phases
- a) First application was filed on April 29, 2005 (within 18 months)
 - b) Application included *proposed phasing plan*:
 - (1) Phase 1 – low-rise residential units in Squares 799 and 800 and community center in Square W881
 - (2) Phase 2 – M Street office building and residential development in Square 882
 - (3) Phase 3 – 250 M Street office building
 - (4) Phase 4 – High rise apartments along the Canal Blocks Park in Squares 739, 767, 768 and 769
 - (5) Phase 5 – Van Ness School site
 - (6) All phases expected to be filed by October, 2008, with the order of the phases subject to future market demands
 - c) Order No. 03-12A (effective September 15, 2006):
 - (1) Phasing plan approved
 - (2) Approved low-rise residential units in Squares 799 and 800 and community center in Square W881 (Phase 1)
 - d) Original application for 250 M Street office building (Phase 3) filed on April 21, 2006 and approved by Order No. 03-12C2 (effective August 10, 2007)
 - e) Revised plans for 250 M Street office building (Phase 3) as a modification to the original approval were filed on December 28, 2007 and approved by Order No. 03-12F (effective September 26, 2008)
 - f) Application for the residential building and the M Street office building in Square 882 (Phase 2) and the residential building in Square 769 (part of Phase 4) was filed on July 8, 2008

4. Remaining phases to be processed:
 - a) High rise apartments along the Canal Blocks Park in Squares 739, 767 and 768 (part of Phase 4)
 - b) Van Ness School (Phase 5)
5. Request for extension of time:
 - a) Remaining part of Phase 4 and Phase 5 still to be filed
 - b) October 31, 2008, deadline has passed but request for extension was filed on July 8, 2008
 - c) Applicants now request extension of time until December 31, 2013, to file remaining phases

B. Community center

1. Originally approved in Order No. 03-12A (effective September 15, 2006)
2. Condition No. 5 provided for the Applicants to file an application for a building permit within two years and start construction within 3 years
3. Application was not filed for permit but request for extension was filed on July 8, 2008
4. Applicants now request extension of time until January 1, 2011, to file an application for a permit and until January 1, 2012, to start construction

V. Overall modifications

A. Statistical comparison

	Approved Project	Proposed Project	Changes
Uses	Residential, office, retail, community	Residential, office, retail, community	None
Overall density	FAR: 3.17	FAR: 3.32	Increase of 0.15 FAR
	GFA: 2,891,431 sf	GFA: 2,889,517	Decrease of 1,914 sf

Density by use (in sf of GFA)	Residential: 2,060,531 Retail: 51,000 Office: 702,000 Total commercial: 753,000 Public/community: 77,900	Residential: 2,052,315 sf Retail: 51,000 Office: 708,302 Total commercial: 759,302 Public/community: 77,900	Decrease of 8,216 sf None Increase of 6,302 Increase of 6,302 sf of GFA None
Number of residential units	1,645	1,747	Increase of 102 units
Number of parking spaces	Residential: 1,241 Commercial: 550 Total: 1,791	Residential: 1,346 Commercial: 434 Total: 1,780	Increase of 105 spaces Decrease of 116 spaces Decrease of 11 spaces

B. Number of parking spaces for apartment house in Square S825

1. Building originally called Senior #2 (was addition to existing Carroll Senior building)
2. By Order No. 03-12D, effective October 26, 2007, Commission approved modification to the PUD to allow the building to be used for both senior and workforce housing for households earning up to 60% of AMI
3. As a condition to the change, Order No. 03-12D required that 33 parking spaces be provided on-site and 37 additional parking spaces be provided off-site in the vicinity
4. Applicant proposes to eliminate all off-site parking for this building, as the 33 on-site spaces are proving to be sufficient to meet needs of occupants of the building

C. Amenities and benefits (as set forth in Finding of Fact No. 49 in Order No. 03-12)

1. Housing: number of units devoted to housing has increased
2. Affordable housing: project continues to include 1:1 replacement of public housing (695 units on-site)
3. Urban design and architecture: same as proposed in the original application
4. Landscaping and open space: creation of the Canal Blocks Park (design has been selected)
5. Transportation features: same as proposed in original application
6. Social service and other uses of special value to the neighborhood: same as proposed in the original application
7. Employment and training opportunities: same as proposed in original application
8. Neighborhood oriented retail and service use: same as proposed in original application

VI. Final review

A. Comparison between approved Preliminary PUD and building proposed in second stage application for apartment house in Square 769:

	Approved Project	Proposed Project	Changes
Uses	Residential and retail	Residential and retail	None
Overall maximum height	110 feet (10 stories)	110 feet (10 stories)	None
Overall density	169,906 sf of GFA	181,420 sf of GFA	Increase of 11,514 sf of GFA
Number of units	107	171	Increase of 64 units
Affordable housing	None	20% (34) of the units @ less than 60% of AMI	

Density by use	Residential: 166,906 sf of GFA	Residential: 177,330 sf of GFA	Increase of 10,424 sf of GFA
	Retail: 3,000 sf of GFA	Retail: 4,090 sf of GFA	Increase of 1,090 sf of GFA
Number of parking spaces	107	152	Increase of 45 spaces

B. Comparison between approved Preliminary PUD and building proposed in second stage application for apartment house in Square 882:

	Approved Project	Proposed Project	Changes
Uses	Residential	Residential	None
Type of construction	Low-rise townhomes	Mid-rise apartment house	
Overall maximum height	45 feet	60 feet	Increase of 15 feet
Overall residential density	131,288 sf of GFA	189,168 sf of GFA	Increase of 57,880 sf of GFA
Number of units	75	189	Increase of 114 units
Affordable housing	45% (34) of the units	20% (38) of the units @ less than 60% of AMI	
Number of parking spaces	49	172	Increase of 123 spaces

C. Comparison between approved Preliminary PUD and office building proposed in second stage application in Square 882:

	Approved Project	Proposed Project	Changes
Uses	Office and retail	Office and retail	None
Overall maximum height	90 feet	92 feet	Increase of 2 feet
Gross floor area	496,000 sf	499,780 sf	Increase of 3,780 sf

Density by use (in sf of GFA)	Office: 481,000	Office: 484,780	Increase of 3,780
	Retail: minimum of 15,000	Retail: minimum of 15,000	None
Number of parking spaces	400	Minimum of 284	Decrease of 116

D. Flexibility requested for apartment house in Square 769

1. Roof structure setback:
 - a) Required to be a minimum of 1:1 from exterior walls
 - b) Height of roof structure: 18 feet, 6 inches
 - c) Setback provided from interior court: 13 feet and 14 feet, 5 inches (in part)
 - d) Relief required: 5 feet, 6 inches and 4 feet, 1 inch
 - e) Setbacks on all street sides are at least 1:1
2. Loading
 - a) Required: one berth @ 55 feet deep and one service/delivery loading space
 - b) Provided: one berth @ 30 feet deep
 - c) Relief required: size of berth and requirement for 1 service/delivery loading space
3. Public space at ground level
 - a) Required: 10% of area of lot = 2,115 square feet
 - b) Provided: none
 - c) Relief required: 2,115 square feet
 - d) 4,090 square feet of retail space provided at ground level along 2nd Street frontage

- e) 2,370 square feet of roof terrace space provided at second floor level in the north-facing courtyard
- f) Site is directly across the street from the future Canal Blocks Park

E. Additional flexibility in future development

- 1. Apartment houses – ability to increase or decrease the number of units by 5% within the maximum gross floor area specified
- 2. Office building:
 - a) Ability to construct the building in two phases
 - b) Ability to eliminate the easternmost driveway entrance from the service drive, if tenants do not need separate garage entrances
 - c) Ability to reduce from 5 to 3 the number of 30 foot loading berths (still complying with the number required), if the loading can be shared among tenants
- 3. Standard design flexibility

VII. Consistency with the Comprehensive Plan

- A. Original application was judged against the 1998 Plan
- B. District adopted new local elements in 2006 (Comprehensive Plan Amendment Act of 2006, D.C. Law 16-300, effective March 8, 2007)
- C. Framework element – guiding principles
 - 1. Managing growth and change
 - a) "Change in the District is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness." (§217.1)
 - b) "Diversity also means maintaining and enhancing the District's mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples." (§217.3)

- c) "The District needs both residential and non-residential growth to survive. Non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income." (§217.4)
- d) "Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs." (§217.6)
- e) "Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality." (§217.7)

2. Creating successful neighborhoods

- a) "The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced." (§218.1)
- b) "Many neighborhoods include commercial and institutional uses that contribute to their character. Neighborhood businesses, retail districts, schools, park and recreational facilities, houses of worship, and other public facilities all make our communities more livable. These uses provide strong centers that reinforce neighborhood identity and provided destinations and services for residents. They too must be protected and stabilized." (§218.2)
- c) "The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively." (§218.3)

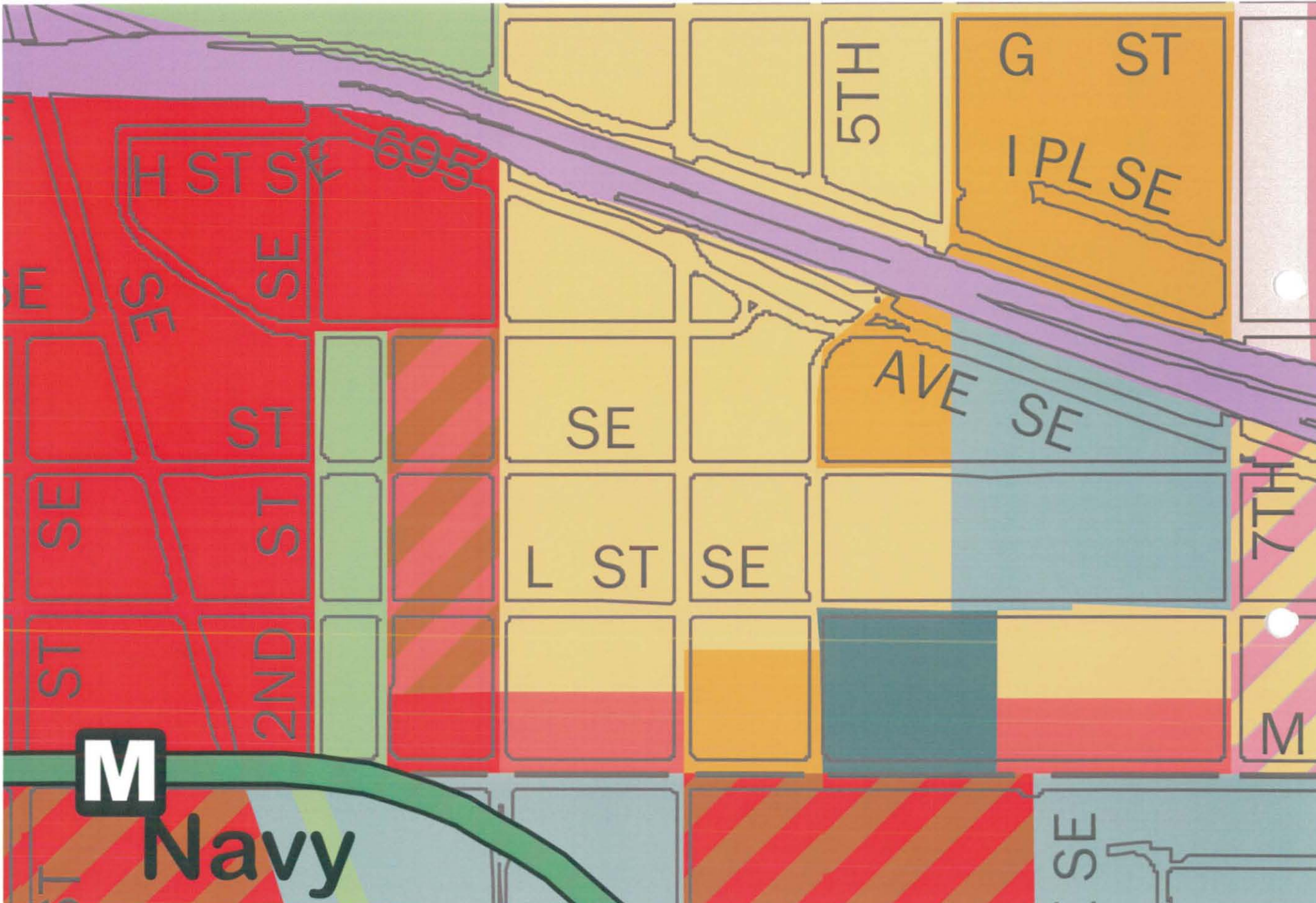
D. Framework element – the Land Use Maps

1. The Generalized Policy Map purpose "is to categorize how different parts of the District may change between 2005 and 2025" (§223.1)
2. Includes subject property in the Near Southeast Land Use Change Area
3. The Future Land Use Map – includes property in variety of categories (see map, following)
 - a) High density commercial (Square 739 and southern half of Square 769)
 - b) Mixed-use high density residential/medium density commercial (Squares 767 and 768 and the northern half of Square 769)
 - c) Medium density commercial (southern half of Square 800 and southern half of Square 882)
 - d) Medium density residential (southern portion of Square S825 and western portion of Square 880)
 - e) Local public facilities (western portion of Square N853)
 - f) Moderate density residential (Squares 797, 798, 799, 824 , 825, the northern portion of Square S825 and the western portion of Square 881)
4. Maps are intended to provide generalized guides for development and conservation decisions (§226)
 - a) Future Land Use Map is generalized depiction of intended uses in the 20 year horizon
 - b) Zoning is guided by the Future Land Use, Map, interpreted in conjunction with the text of the Plan, including citywide elements, area elements and approved small area plans

E. Land Use element

1. Overall goal:

"Ensure the efficient use of land resources to meet long-term neighborhood, city-wide, and regional needs; to help foster other District goals, to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of



neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries." (§302.1)

2. Policies and Actions – Transit-Oriented and Corridor Development

- a) "Fully capitalizing on the investment made in Metrorail requires better use of land around transit stations and along transit corridors. While many of the District's 40 Metrorail stations epitomize the concept of a "transit village," with pedestrian-oriented commercial and residential development of varying scales, others do not. Some stations continue to be surrounded by large surface parking lots and auto-oriented commercial uses." (§306.2)
- b) "Much of the city's planning during the last five years has focused on making better use of transit station areas. ... One objective of these initiatives has been to strengthen transit stations as neighborhood centers and attract new investment to struggling business districts. Another important objective has to been to accommodate the growth of the city in a way that minimizes the number and length of auto trips generated, and to reduce household expense on transportation by providing options for "car-free" (or one car) living." (§306.3)
- c) Principles in the management of land around Metrorail stations:
 - (1) A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;
 - (2) A preference for diverse housing types, including both market-rate and affordable units;
 - (3) A preference for attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; and
 - (4) Provision of well-designed, well-programmed, and well-maintained public open spaces. (§306.4)
- d) "Station area development policies must respond to the unique needs of each community and the unique setting of each station." (§306.5)

e) Policies

(1) Policy LU-1.3.1 Stations Areas as Neighborhood Centers

"Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide." (§306.10)

(2) Policy LU-1.3.2 Development Around Metrorail Stations

"Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas." (§306.11)

(3) Policy LU-1.3.3: Housing Around Metrorail Stations

"Recognize the opportunity to build senior housing and more affordable "starter" housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations." (§306.12)

VIII. Conclusions

- A. Project is not inconsistent with the Comprehensive Plan
- B. Modifications and refinements to design are improvements over original approved project in meeting city objectives

- C. Increase in number of market rate units provides greater leverage in 1:1 replacement of public housing units
- D. Granting of time extensions will allow project to continue without need to resubmit entire plan for re-approval
- E. Second stage application is consistent with the thrust of project as modified
- F. Substantial public benefits which accrue to the District from the project, especially in the area of housing, affordable housing, open space and retail, far outweigh the development incentives received by the project
- G. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development
- H. Project should be approved



c. 1995



c. 2005