

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**Application of
49th Street Developer LLC (Contract Purchaser)
On behalf of The Carver 2000 Tenants Association, Inc. (Owner)
Square 5348, Lots 1-8**

**BZA Application No. 18916
ANC 7E, SMD04**

PREHEARING STATEMENT OF THE APPLICANT

This prehearing statement is submitted in support of an application (“**Application**”) for Board of Zoning Adjustment (“**BZA**” or “**Board**”) approval by 49th Street Developer LLC (the “**Applicant**”), as contract purchaser, on behalf of The Carver 2000 Tenants Association, Inc. (“**Current Owner**”) by the Applicant’s attorneys, Greenstein DeLorme & Luchs, P.C., by Lyle M. Blanchard, Esq. and Kate M. Olson, Esq. This Application seeks the Board’s special exception review, pursuant to the District of Columbia’s Zoning Regulations, 11 DCMR §§ 353 and 3104.1, of the proposed Carver Terrace project (the “**Project**”) on the undeveloped land located at Lots 1-8 of Square 5348 in southeast DC (the “**Property**”).

I. NATURE OF RELIEF SOUGHT

The Applicant seeks BZA approval pursuant to §§ 353 and 3104.1, for special exception relief to allow for the construction of a new residential development consisting of multifamily affordable rental housing for seniors and for-sale affordable rowhouses in the R-5-A zone district. See Exhibit A, Zone Map. **No additional relief is requested.**

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the requested special exception relief pursuant to §§ 353 and 3104 of the Zoning Regulations.

III. DESCRIPTION OF THE PROPERTY AND THE SURROUNDING AREA

The Property previously housed the apartment complex known as “George Washington Carver Apartments” and the Property was acquired in 2003 by its present owner, the Carver 2000 Tenants Association, under the Tenants Opportunity to Purchase Act. The District Department of Housing and Community Development (“**DHCD**”) provided the tenants money to use for the acquisition. The District made additional grants and loans to the Tenants Association to fund pre-development costs, demolition and relocation costs and the existing buildings were demolished. The Property is now vacant (See Exhibit D, Site Context Photos, Sheets A0.2 and A0.3) and consists of eight lots (Lots 1-8), with a combined total lot area of 181,187 sq. ft. and is within Square 5348. Exhibit B, Surveyor’s Plat. The Property is being subdivided and the eight existing lots will become 22 individual lots (hereafter referred to as Lots A-V). The subdivision application was submitted to the Office of Surveyor on March 12, 2015. The Plats of Computation showing the existing eight lots and the proposed 22 lots are attached as Exhibit C.

The Property is located within the Marshall Heights neighborhood of southeast DC (Ward 7) and is in the shape of a triangle, bordered by three streets: East Capitol Street, SE to the north, 49th Street, SE to the east and 47th Street, SE to the west. The grade of the Property rises almost 40 feet from the intersection of 47th Street and East Capitol Street to near the southern tip of the Property on 49th Street. The Benning Road Metro Station, servicing the blue and silver lines, is approximately 0.3 miles from the Property. Property is currently accessible by two existing curb cuts on 49th Street. The Project proposes to close these existing curb cuts as shown on Exhibit E, Proposed Condition Plan South, Sheet C1.04S and replace them with three new curb cuts, two on 47th Street and one of 49th Street as shown on Exhibit D, Illustrative Site Plan, Sheet A1.0.

IV. BACKGROUND ON THE DEVELOPER

The Applicant is an affiliate of Chapman Development LLC, which is a unique real estate development company that focuses on the revitalization of emerging urban neighborhoods. Its mission is to create exciting and customized residential properties that advance the revitalization of urban neighborhoods while respecting the rich diversity of their existing fabric. Chapman Development provides the highest-quality housing for Washington, DC's residents. Through acquisitions and partnerships, the developer has successfully created many exceptional, award winning living spaces, including Totten Tower and the Euclid Street Apartments, which were honored with the 2005 Mayor's Award for Excellence in Historic Preservation and noted by the Secretary of the Interior for Excellence.

V. EXISTING AND INTENDED USE

The Property is currently undeveloped raw land. See Exhibit D, Site Context Photos, Sheets A0.2 and A0.3. *Please disregard the portions of the plans for Square 5190 on C1.01N, this is a separate by right development to be constructed by the Applicant as part of its agreement with the owner and DHCD.* With respect to the Application before you, the Applicant proposes to develop the Property with a 178 unit affordable rental apartment building for senior citizens and 21 affordable for-sale rowhouses as shown on the attached plans (“**Plans**”). See Exhibit D. The entire Project will consist of affordable housing restricted at or less than 80% Area Median Income (“**AMI**”) level.

VI. DESCRIPTION OF THE PROJECT

A. Senior Citizen Apartment Building

The Applicant proposes a rental Apartment Building for Seniors (“**Apartment Building**”) on Lot A, consisting of 142,912.84 square feet. The three story Apartment Building

will consist of 178 affordable rental units. The apartment unit mix will consist of: 171 one (1) bedroom/one (1) bathroom units ranging from 653 to 771 square feet and seven (7) units will be two (2) bedroom/two (2) bathroom ranging from 957 to 1,094 square feet. See Exhibit D, Unit Matrix, Sheet A0.1. The main entrance of the Apartment Building will be on 47th Street near the intersection of East Capitol and 47th Streets. There will be a parking garage (“**Parking Garage**”) on the lowest level (basement) consisting of 120 parking spaces and 60 bicycle spaces for residents, staff, caregivers and other visitors. The Parking Garage will be accessed via a proposed 22 foot curb cut off of 47th Street. See Exhibit D, Overall Ground Floor Plan, Sheet A1.1. As shown on Exhibit D, Illustrative Site Plan and Zoning Information, Sheet A1.0, the Apartment Building is in compliance with the zoning requirements.

The exterior materials used for the Project will consist of Face Brick, Fiber Cement Panels, Fiber Cement Lap Siding, Precast Lintels and Sills and Architectural Metal Panels.

B. Rowhouses

The Applicant proposes the development of 21 affordable for-sale three (3) bedroom/two (2) bath Rowhouses (“**Rowhouses**”) on individual lots (Lots B-V). There will be two types of Rowhouses, Type A and Type B. See Exhibit D, Row Home Zoning Information, Sheet ATH0.1.

1. Type A

Of the 21 for-sale affordable Rowhouses, seven (7) will be “**Type A**” three-story Rowhouses fronting on 47th Street and each consisting of 1,674 gross square feet. This Type A Rowhouse will include a one-car parking garage on the ground level and an additional space available for a second car in the driveway in the rear yard as shown on Exhibit D, Row Home A Floor Plans, Sheet ATH1.1.

2. Type B

Of the 21 for-sale affordable Rowhouses, 14 will be two-story (with basement) “**Type B**” Rowhouses fronting on 49th Street and each consisting of 2,223 gross floor area (including the basement). A two-car parking garage is provided at the basement level as shown on Exhibit D, Row Home B Floor Plans, Sheet ATH1.2.

C. Amenities

The Apartment Building includes several attractive amenities for its senior residents including: an outdoor plaza in front of the building (Exhibit D, View of East Capitol Elevation, Sheets A2.6 through 2.8), a large meditation garden with several outdoor living and recreation areas (Exhibit D, View of Interior Courtyard, Sheet A2.9), a spacious senior community area (“**Community Clubhouse**”) with 18’-0” high ceilings, fireplace, state of the art fitness center, cyber cafe with lounge adjacent to the resident’s mailboxes, and a large media room/theater space for resident entertainment and social gatherings. See Exhibit D, Sheet A1.6 and Sheets A6.1 through 6.6.

The Rowhouses will benefit from access to the community garden and grounds located adjacent to the proposed lots B-V. See Exhibit D, Illustrative Site Plan, Sheet A1.0.

VII. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION UNDER § § 353 and 3104

The Project is in harmony with the intent and purposes of the Zoning Regulations and is generally consistent with the requirements of §§ 353 and 3104.1.

A. The Application is in Harmony with the General Purpose and Intent of the Zoning Regulations.

The main purpose of § 353 is to minimize any adverse impact on surrounding properties which may occur as a result of the Project. Accordingly, the Project has been thoughtfully designed to ensure the Project will not adversely affect the neighboring property owners of the greater community.

1. The Area Schools can Accommodate the Number of Students Expected to Reside in the Project.

The Apartment Building population will consist of seniors and will therefore not contribute to the number of students in the area. The Project will also include 21 for-sale Rowhouses. Assuming that each three (3) bedroom/two (2) bathroom Rowhouse has two and a half (2.5) school age children, that is a potential 53 children that would attend D.C. public, charter or parochial schools.

The closest schools are: Nalle elementary, Kelly Miller middle and HD Woodson high school as well as Maya Angelou public charter school. The Applicant believes that these schools can easily absorb this number of students.

2. The Public Street, Recreation and Other Services are Adequate to Accommodate the Residents of the Project.

East Capitol Street is a major east-west artery. 47th and 49th Streets are local streets that feed into East Capitol. As will be shown in subsequent filings and the traffic study, these streets are adequate for additional vehicular traffic that the Project will generate.

The Property is currently accessible by two existing curb cuts on 49th Street. The Project proposes these curb cuts be closed as shown on Exhibit E, Proposed Condition Plan South, Sheet C1.04S and replaced with three curb cuts as shown on Exhibit D, Illustrative Site Plan, Sheet

A1.0. This Illustrative Site Plan also shows the proposed circulation via the new curb cut locations.

The Applicant retained Gorove/Slade as the transportation consultant (“**Traffic Consultant**”). Based on the Guidelines for Comprehensive Transportation Review (“**CTR**”) Requirements, published by the District Department of Transportation (“**DDOT**”), a traffic study is not required for this project since the only requires further analysis of vehicle impacts in a CTR study when there are at least 25 vehicle trips in the peak direction. Since this Project is anticipated to generate 21 vehicle trips in the peak direction,. Furthermore, the Traffic Consultant completed the attached traffic statement (“**Traffic Statement**”), which concludes the vehicular impacts of the development on the surrounding transportation infrastructure are anticipated to be minimal. See Exhibit F, Traffic Statement.

As indicated on the Civil Plans, a private utility easement, if later deemed necessary, will be provided to protect new sewer utility laterals from proposed Rowhouses along 49th Street. See Exhibit D, Proposed Condition Plan South, Sheet C1.04S. Also, an access easement will be granted by the owner of Lot A to the owners of Lots B through V to allow the use of the private driveways and community garden.

In addition to the courtyard and community garden, the Project is located within several blocks of Benning Stoddert Recreation Center and Fort Circle and Fort Mahan parks. Kelly Miller Middle School also has a substantial field. These recreation areas provide substantial outlets for residents of the Project for recreation and community services.

3. The Site Plan, Arrangement of Buildings and Provisions of Light, Air, Parking, Recreation, Landscaping and Grading are Appropriate.

The Apartment Building and for-sale Rowhouses are situated on the Project site so as to maximize the residents’ light and air. The Apartment Building has a very substantial courtyard.

The Rowhouses have full rear yards and a large community garden area surrounded by private streets. These features ensure abundant light and air. The rear yards, community garden, courtyard and community room provide ample space for resident recreation. The Project meets the zoning requirements for parking and loading. The proposed landscaping will help the Project attain a minimum 0.4 green area ratio score. The Project site accommodates a combination of green spaces and permeable paving to obtain the final score. See Exhibit G, Sheets L01 through L07.

Final details of the streetscape improvements will conform with applicable design and permitting standards. The Project's final stormwater management plan will also comply with permitting standards.

B. Relief Can Be Granted Without Adversely Affecting the Use of the Neighboring Property in Accordance with the Zoning Regulations and Zoning Map.

The Project has been thoughtfully designed to comply with the Zoning Regulations and specifically Section 353 and integrate the proposed structures within the existing site with relatively minor impacts on light, air and traffic. The addition of 199 units (178 apartment units and 21 for-sale Rowhouses) is modest when considered in the context of a neighborhood with a population of approximately 10,000 individuals. The attendant impacts on the surrounding neighborhood is anticipated to be minimal. Accordingly, there will be no detrimental effects on neighboring properties.

VIII. STATEMENT OF SATISFACTION OF BURDEN OF PROOF FOR ZONING RELIEF SOUGHT

The Applicant submits that, based upon (i) its Application and the materials submitted in conjunction herewith, (ii) the evidence to be presented at the public hearing and (iii) other

evidence to be submitted hereto, it will satisfy and comply with the applicable legal standards and burdens for the special exception requested.

IX. AGENCY AND COMMUNITY OUTREACH

The Applicant has been in contact with ANC 7E and the affected Single Member District Commissioner (“SMD”). A presentation to the ANC or the affected SMD is being scheduled. In addition, there are on-going outreach efforts with the community. The Applicant has met with DDOT concerning potential traffic impacts. As noted above, such traffic impacts are below DDOT’s threshold for a traffic study and projected to be less than those that would result from matter of right development of row dwellings and flats.

<u>Date</u>	<u>Type of Outreach</u>
January 16, 2015	Capitol Gateway Luncheon with attendance by numerous residents.
January 28, 2015	New Carver Luncheon and attendance by numerous residents and the ANC Single Member District Commissioner is anticipated.

Community meeting flyers and letters of support are attached. See Exhibit H. Additional letters of support are anticipated and will be filed prior to and at the hearing.

X. WITNESSES EXPECTED TO TESTIFY

Applicant’s Representative: **Timothy M. Chapman**, 49th Street Developer LLC

Architect’s Representative: **Logan Schultz**, AIA, Principal, Grimm and Parker

Civil Engineer’s Representative: **Gary M. Faulhaber**, L.S., Wiles Mensch Corporation

Transportation Consultant’s Representative: **Erwin N. Andres**, P.E., Gorove/Slade Associates, Inc.

Community Outreach: **Brett O. Greene**, American Management Corporation

XI. EXHIBITS

Exhibit A: Zoning Map (with the Property outlined in green).

- Exhibit B: Surveyor's Plat.
- Exhibit C: Plats of Computation: Existing and Proposed Lots.
- Exhibit D: Architectural Plans and Elevations.
- Exhibit E: Civil Plans with Grading Plans (existing and proposed) including Site Plan showing proposed rights-of-way and easements.
- Exhibit F: Traffic Statement.
- Exhibit G: Landscaping Plans.
- Exhibit H: Community Meeting Flyers and Letters of Support.
- Exhibit I: Outlines of Testimony.
- Exhibit J: Expert Witness Resumes.

XII. CONCLUSION

For the reasons set forth above, the Applicant is entitled to, and respectfully requests approval of, the grant of special exception relief to allow for the development of the Property.

Respectfully submitted,
GREENSTEIN DELORME & LUCHS, P.C.



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