GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES

DGS THE DEPARTMENT OF GENERAL SERVICES

WE ARE WASHINGTON DC

June 20, 2016

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington DC 20001

Re: Request for Van Ness Elementary School to be removed from PUD (ZC 13-02/13-03)

Dear Chairman Hood,

The purpose of this correspondence is to request your consent to remove Van Ness Elementary School from PUD 13-12/13-02, and to allow the Department of General Services (DGS) to move forward with the BZA Application for the project, and hearing on June 21, 2016. Van Ness Elementary School is undergoing a major modernization process after being closed for several years, and it will open for students in August of 2016. DGS is seeking BZA relief for the project in connection with equipment screening, and parking, and is scheduled to appear in front of BZA on Tuesday June 21, 2016. (BZA Case #19281). However, DGS was notified by Office of Zoning that Van Ness Elementary School was included in the approved PUD ZC 13-02/13-03 in 2003, and will have to apply to modify the PUD, instead of appearing in front the BZA on June 21st.

Van Ness Elementary School was originally included in the PUD with the idea that it may provide the school "the opportunity to have the school's needs considered in the shaping of the ultimate development plans", which could have been in the form of additional community amenities at the school, or additional capacity if needed due to the development. At that point in time, there was an emphasis on Hope VI and other public/public and public/private development initiatives. There was also interest in providing joint use facilities, such as community center/schools, or schools with public libraries.

Pursuant to the Department of General Services Establishment Act of 2011, § 10-551.01 *et seq.* of the D.C. Offical Code, DGS has assumed responsibility for management of the capital improvement and construction program for District government facilities, including the modernization or new construction of District facilities by approving and authorizing decisions at every stage of modernization and new construction, including planning, design, procurement, and construction. DGS works in coordination with D.C. Public Schools (DCPS) to implement School modernization activities. DGS has confirmed that DCPS no longer wishes to include Van Ness Elementary School as a part of the PUD, and based on the points listed below, we respectfully request that the Zoning Commission remove Van Ness from the PUD (ZC 13-02/13-03):

- In the letter dated October 28, 2003, DCPS asked to be included in PUD. DCPS at that time wanted to have the option to become part of the project. However, the letter also states in the second sentence of the second paragraph that "This does not commit DCPS to any abrogation of rights regarding DCPS control and use of the site."

- In the H&K letter dated November 17, 2003 incorporating the school site into the PUD, H&K states "The school site is included and is assumed to remain in its current configuration and use, as set forth in the second paragraph of the Superintendent's letter." The "Plans" included as Exhibit B to the H&K November 17th do not show any proposed development plans for the school, but rather simply includes the school in the project boundaries and add the site as a row on the site development chart.

- The last major modification order (Z.C. Order 03-12H/03-13H) amended the initial approval with respect to FAR, GFA, parking etc. Although the last sentence of Decision No. 2 on page 8 states that "The project shall also include the density currently contained on the Van Ness Elementary School site in Square 853N", the actual approved development data chart referenced in Decision No. 1 and 3 and attached hereto does not include the school site in the development data chart, and thus the school site is not included for the purposes of calculating GFA, FAR, or parking for the PUD.

- The school site was not, and is not, needed to meet any zoning requirements.

- The Zoning Commission record does not include any plans regarding anything with respect to the design of the school, and the Capper orders do not include any development requirements that impact the school (See Exhibit 4 attached and referenced in Z.C. 03-12H/03-13H).

- Section 2408.14 of the Zoning Regulations states: If no application for a permit is filed, construction has not started within the period specified, or no extension is granted, the approval shall expire, the zoning shall revert to the pre-existing regulations and map, and the approval shall not be reinstated unless a new application is filed, processed, and approved in accordance with this chapter.

Given that DGS never filed for a permit or received an extension, based on Section 2408.14, the applicability of the PUD approval as it relates to the school site has automatically expired, and we believe the Zoning Commission's jurisdiction over that site has expired as well.

We therefore, respectfully, request your consent to remove Van Ness from PUD 13-12/13-02, and allow the project to move forward with the BZA Application, and hearing on June 21st, 2016.

If you have any questions, please feel free to contact Jeff Bonvechio, Deputy Director of DGS for Capital Construction, at (202) 671.2397.

Sincerely,

JK
Jonathan Kayne for
Christopher Weaver

Christopher E. Weaver
Director

Cc: Jonathan Kayne, COO, DGS
Camille Sabbakhan, GC, DGS
Jeff Bonvechio, Deputy Director, DGS

Attachments:
Holland & Knight Letter 11/2003
Exhibit B to Holland & Knight Letter
DCPS Letter 10/2003
ZC Order No. 03-12G 03-13H
ZC Case Exhibit 4

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November 17, 2003

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VIA HAND DELIVERY

D.C. Zoning Commission
Room 210
441 4th Street, N.W.
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2003 NOV 17 PM 2:47
D.C. OFFICE OF ZONING

Re: Zoning Commission Cases No. 03-12 and 03-13
Capper/Carrollsburg HOPE VI Project
Supplemental Post-Hearing Submission

Dear Members of the Commission:

At its public meeting held on September 8, 2003, the Zoning Commission requested the Applicants to address certain issues raised by the members of the Commission in their discussion of the preliminary and consolidated planned unit developments. In determining how to address those issues, the Applicants looked at a broad range of options, including reducing the number of housing units, changing the mix of housing types, providing additional open space, both public and private, reducing the height and size of the office buildings and adding additional properties to the project. The Applicants carefully considered the full range of implications of changes, including impacts on the city, on the economics of the project and on fulfilling the goals which the D.C. Housing Authority (DCHA) had set as its priorities. The Applicants had further discussions with the Office of Planning to refine their thinking and to coordinate the responses set forth in this submission.

As a result of that two-month process, the Applicants respond as follows:

ZONING COMMISSION
District of Columbia
No. 03-12
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1.
Inclusion of the Van Ness School

The Applicants met with the Superintendent of Schools and other representatives of the Board of Education with representatives of the Office of

Planning and the Deputy Mayor for Planning and Economic Development. As a result of that meeting and further consideration, the Superintendent has written to the Office of Planning requesting the inclusion of the Van Ness School into the PUD. A copy of the Superintendent's letter, dated October 28, 2003, is attached as Exhibit A. The Applicants accordingly also submit as Exhibit B the following documents modifying the preliminary PUD submission:

- Revised existing conditions, existing and proposed zoning and site plans; and
- Revised site development data;

The school site is included and is assumed to remain in its current configuration and use, as set forth in the second paragraph of the Superintendent's letter.

2.
Reservations 17A (Square 739) and 19A

The site to be created in Square 739 includes a part of Reservation 17A, a property for which the National Park Service (NPS) transferred jurisdiction to the District of Columbia. While the plat of transfer did not include restrictions on the use of the property, other documents provided by the NPS indicate that the transfer was made for the purpose of allowing the District to use the problem as a trash transfer site. The NPS has indicated that an amendment to the usage transfer of jurisdiction or the execution of a new transfer, through the appropriate process, will be required if the property is to be used for housing, including a mix of market rate and public housing units. The NPS has further indicated that, subject to completion of the requisite process, it has no objection in concept to the uses proposed. The Applicants will work with the NPS to amend the uses allowed under the transfer.

Reservation 19A includes approximately one acre of land owned by the NPS between the site of the Van Ness School and the 600 M Street office buildings and the low-rise residential buildings in Square 882. As requested by the Office of Planning, the Applicants will work with the NPS to determine if Reservation 19A can be included in the second stage PUD.

3.
Relationship of Proposed Development Program and Design
to Achievement of Project Goals

to include 707 units of public housing, the number necessary to get one-for-one replacement for the existing number of units. The one-for-one replacement of public housing units was a key feature in the DCHA's being able to obtain the HOPE VI Grant from HUD for this development. Replacement of the public housing units was feasible only because of a finely-balanced program of funding sources. This balance is such that a material change in any one of the sources, or a material delay in the project, could render it economically infeasible to provide the one-for-one replacement that is so badly needed.

The economic analysis that follows is based upon the financial information that was contained in DCHA's application to HUD for the HOPE VI Grant, along with certain other information that is based on current financial market conditions. It should be noted that DCHA will contribute the land necessary for construction of the 707 public housing units to the development of those units so that there is no land cost for the development of any of the replacement public housing units.

The projected cost to DCHA to build the new 707 new housing units, plus the cost of the new community center now included in the PUD, is as follows:

	Number of units	Total project cost
Senior Housing Buildings 1 and 2	300	$32,924,640
Arthur Capper/Carrollsburg townhouse units	123	$17,220,000
Multifamily housing in Squares adjacent to Canal Blocks Park	272	$37,774,237
Off-site townhouse units at Kentucky Courts	12	$1,680,000
Total	707	$89,598,877
New community center		$3,000,000
Total commitment by DCHA		$92,598,877

This is an average cost of just under $127,000 for each public housing unit after deducting the budgeted costs of the community center.

DCHA can only cover the approximately $93 million cost for the replacement public housing and the new community center by "leveraging" the funds available from the HOPE VI grant. This leverage is generated by a combination of funds consisting of a mix of proceeds from the sale of other land now owned by the DCHA that is within the PUD to the developers, Capper/Carrollsburg Venture LLC, the capitalized value of the income stream from the joint venture between the William C. Smith Company and DCHA for the office building at 250 M Street, a contribution from the District of Columbia, which the Mayor has committed to the project and the sale of Low Income Housing Tax Credits. It should be noted that since public housing units cannot generate income in excess of the amount that it costs to operate those units by HUD regulation, conventional mortgage financing cannot be used for these units because there is no source of income to repay debt.

The HOPE VI Grant totals approximately $34 million. The budget approved by HUD allocates $20,487,590 for construction of public housing. The remainder is used for other purposes under the Grant (e.g., Community and Supportive Services Program, relocation, etc.)

The price that the developers will pay for the land is based on the amount of private development which can be placed on that land. Based on the development scheme proposed in the PUD application, DCHA would receive the following land sales proceeds that it would use to fund costs of the 707 public housing units:

	Proposed Density	Unit value	Income from land sales
Townhomes	258 units	Est. $32,400/unit net proceeds to DCHA	$8,359,200
Multi-family rental	492 units	$20,000	$9,840,000
Multifamily condominium		Est. $27,000/unit net proceeds to DCHA	$2,430,000
600 block office buildings with ground floor retail	496,000 square feet	$26.00/FAR sq. ft. x 500,000 sq. ft.	$13,000,000
250 M Street office building with ground floor retail	236,000	Est. $345,000 annual payment to the DCHA as part of the venture developing the building	$3,000,000
Total			$36,629,200

The values for the sales price of townhomes and condominium apartments are based on estimates of gross selling prices. The values are based on current data and are reasonable estimates. The value for the 600 M Street office space is likewise calculated based on the assumed residual value of the land based on current estimates for effective lease rates.

The office building at 250 M Street (Square 769) is owned by Square 769 LLC, a subsidiary of the William C. Smith Company in a venture with DCHA. The distributable income to the DCHA for its share of the venture is estimated to be approximately $345,000. That annualized income stream is capitalized at a 12% rate to yield a value of approximately $3,000,000.

The total that can be raised based on the allocated money from the HOPE VI grant, and the anticipated values that DCHA expects to receive from the sale of the land and the value of the income stream from the 250 M Street office building is therefore approximately $57,116,790, far short of the total $93 million needed. The District government has pledged to provide approximately $4 million of the shortfall.

It is anticipated that the remaining shortfall of approximately $31.5 million, will be raised through the sale of Low Income Housing Tax Credits. For projects financed by tax exempt bonds, the credit is based on the eligible basis of the buildings, which is essentially the construction cost of the public housing units, reduced by certain items. In this case, the tax credit basis is projected to be approximately $79 million. This basis is increased by 130% for projects located in designated areas, including the area of the subject Capper/Carrollsburg development. The eligible basis for tax credit purposes is therefore expected to be approximately $102.7 million.

The tax credits for transactions financed by tax exempt bonds is approximately 35% of the eligible basis over ten years. Investors have been willing to pay between 86% and 91% of the face amount of these credits for Senior Building I, the credits for which are currently on the market. Using 88% (the midpoint of the current bids) as the estimate of the purchase price for all the Low Income Housing Tax Credits, the tax credits are estimated to yield approximately $31.6 million to close the gap.

To summarize, the anticipated sources of funds to cover the estimated $89.6 million cost of the 707 replacement public housing units is as follows:

Source	Est. Amount
HOPE VI Grant	$20.5 million
Land Sales	$33.6 million
250 M Street – Estimated Capitalized Value	$ 3.0 million
DC Contribution	$ 4.0 million
Tax Credit Proceeds	$31.6 million
SUB-TOTAL	$92.7 million
Less: Cost of Community Center	($ 3.0 million)
TOTAL	$89.7 million

The ability to fund the replacement of the public housing units is therefore dependant upon a finely crafted balance between the amount of residential and commercial development on the site and estimated market values and dollars derived from the development, as well as the anticipated ability to sell the Low Income Housing Tax Credits. Changes to the development program which reduce the amount of proposed office or market rate residential development will adversely affect revenues and place the public housing replacement goal in jeopardy or, in the alternative, will prevent DCHA from constructing and opening the community center.

In its published 2001 HOPE VI Notice of Funding Availability (NOFA), HUD established a "Soundness of Approach" factor as one of the criteria for selection of proposals. That criterion encourages public housing authority's to demonstrate in their HOPE VI proposals a housing mix as "great as possible ..." The Capper/ Carrollsburg HOPE VI revitalization plan embraces a broad mix of housing types.

Of the total 1,645 housing units, 1,247 or 76% are rental and 398 or 24% are for home ownership. In the rental component, 707 or 57% are public housing and 540 or 43% are market rate. In the home ownership component, 50 units are specifically designated for families eligible for Section 8 assistance (80% of area median income or below) while the remaining 348 units will be targeted to moderate income and market rate buyers. This combination of market, affordable and publicly assisted housing will result in the mixed-income type of community that HUD was seeking in the 2001 NOFA.

While promoting a diversity of housing types, however, the long term viability and sustainability of the community must be addressed as well. Because the perceived "quality" of any neighborhood is the most important factor to attract and retain market rate buyers and renters, especially families with children, and to avoid a re-concentration of the lowest income families, the proportion of public housing units must stay within a reasonable range. The public housing component of the development program is close to 43%, higher than the 1/3 target range HUD discussed in the NOFA.

In the studies of potential changes to the site plan reflecting the comments from the Commission, the Applicants carefully considered two things in particular: how to reduce density and increase open space; and how to further minimize or eliminate acquisition of privately owned properties. The Applicants focused on the core of the townhouse area along the new street being created, 3rd Place, that runs through Squares 798, 799, and 800. Squares 799 and 800 are also where the twenty privately owned properties are to be acquired. In general, for every four townhouses that are removed from the approved PUD, one public housing unit is lost. For every five condominium units lost, one public housing unit is lost. In addition, for every 5000 square feet of office space removed from the plan, one public housing unit is lost. Losing public housing units also reduces the value of the Low Income Housing Tax Credits, which affects the overall financing of the project.

The various alternative unit configurations studied in the affected Squares resulted in a net loss of twenty-four townhouse units. Based on the estimated land proceeds that DCHA expects to realize from the sale of lots for townhouses, this resulted in a loss of $777,600 in proceeds for replacement of public housing. Given the average cost of $127,000 for each public housing unit, this would yield six fewer units. Combined with the loss of 100,000 square feet of office space if the 6th and M Street buildings were reduced from 110 feet to 90 feet as the Commission suggested, resulting in the loss of another twenty units of public housing, the city would be even further away from the goal of one-for-one replacement.

Perhaps more importantly, the loss of these twenty-four townhouse units reduces the home ownership component of the overall project and further erodes the market rate proportion of residency to public housing as well. This raises concerns regarding initial market acceptance and the long-term viability of the market rate component of the community as the project is already above the targeted 1/3 proportion of public housing. It also reduces the tax revenues which the city can expect to gain from new residents of the project who would have higher incomes versus their demand for city services.

With respect to the mix of units and the suitability of the design for urban living, the site plan reflects the best of the style of development that has come to be known as "new urbanism." The layout of the residential blocks are in keeping with Washington, D.C., traditions. Apartment buildings are placed on wider streets and avenues while the rowhouses are laid out on traditional residential scale blocks. The external architecture of the rowhouses is patterned on the richness and diversity of D.C. traditions. Adherence to these characteristics is ensured by the Design Guidelines included as part of the Preliminary PUD.

The development of the variety of rowhouse types within the low-rise residential portion of the project responds to the overall urban design goals as well as to the specific needs of the populations they will house. The public housing units include an array of units, from two to five bedroom units, with a substantial portion of these (approximately twenty-five percent) designed to accommodate persons with disabilities. The largest rear yards within the project are associated with these units and the Section 8 home-ownership units.

The affordable and market-rate townhouses are patterned on a variation of the traditional rowhouse – with a rear access garage – that is found throughout new urbanist developments in inner city conditions and elsewhere. In keeping with the principles of new urbanism, this unit type preserves the internal characteristics and benefits of the rowhouse while creating the continuity of building fronts and sidewalks that creates pedestrian-friendly streets. The use of this type, with its tuck-under parking, is often found where land values are high; private rear decks are typically included to create private rear space. In the D.C. area market, this type has proved popular particularly with the demographics that are interested in higher-density, mixed-use neighborhoods such as Capper/Carrollsburg dwellings.

Over the last ten years, Eakin/Youngentob has delivered over 2,000 townhomes in the Washington area with similar configurations to those proposed for the Capper/Carrollsburg site, including rear-loaded garages and outdoor space provided in front yards, rear decks, and roof decks. Of those townhomes, nearly 300 have been sold and built within the District of Columbia. The demand and resulting sales pace for these homes has far exceeded that of other residential developments selling nearby and throughout the Washington area. As examples, Harrison Square in Shaw and Capitol Square in Southwest, two recent

Eakin/Youngentob townhouse developments, each sold out their 90+ townhouse units in less than one year. This type of townhouse has been very attractive to many buyers because it offers fee-simple townhouse living with the minimal yard maintenance more typical of a condominium.

The typical Eakin/Youngentob townhouse appeals to a wide range of buyers, including singles, couples, empty-nesters, and families with children. Although historically townhomes have been sold primarily to people who do not have children, Eakin/Youngentob's experience has been that this is more a result of location than product type. Families with children have not yet overwhelmingly embraced urban living in Washington. However, as schools and crime rates improve, the market response is changing. In locations where the services and environment are perceived to be more suitable for children, Eakin/Youngentob has seen more instances of families with children choosing to purchase homes. For example, at the Fallsgrove development in Rockville, Maryland, twenty percent of the townhouse buyers have children. At the Brownstones development in Wheaton, Maryland, sixteen percent have children. This compares with Census data showing that only ten to eleven percent of households on the southeast side of Capitol Hill and in the Southwest redevelopment area have children under the age of eighteen. See the table attached as Exhibit C summarizing data from the 2000 Census.

In addition, although there are no statistics on the subject, Eakin/Youngentob is aware that many couples are having children and staying in their homes. This is true at the Old Town Village community in Alexandria, Virginia, which included identical housing types with no backyards but common green spaces. These units were purchased by young professionals or couples with no children. Rather than move out after a few years, these same people have stayed and started raising families in this housing type due to the benefits of the area's location and the availability of communal green space and neighborhood parks similar to those planned for and surrounding the Arthur Capper/Carrollsburg site.

The configuration and floor plan of a typical Eakin/Youngentob townhome does not preclude families. On the contrary, townhomes incorporate living programs very similar to traditional urban townhomes, including at least three bedrooms and 2½ baths. The provision of parking in an integral, secure garage is generally seen as an amenity for families when compared to alley or street parking. Many single and married women make this a priority in their buying decision. Private outdoor space is provided in front yards, rear decks, and roof decks. Additional active recreation space is provided in pocket parks and open space consolidated within the community and in nearby parks. A site plan showing the open space available at the ground level in the project is attached as Exhibit D.

To further enhance the attractiveness of the proposed townhouses for families with children, the Applicants offer the following commitments which can be incorporated into the approval of the PUD :

1) Provide purchasers the option to add extra floor area in a fourth floor loft area;

2) Provide at least twenty percent of the market rate townhomes with low, wrought iron fences in public space to define a front yard for children or personal recreation space;

3) Provide rear decks of six feet on public housing units with decks (excluding those corner units which back onto adjoining units, as shown on the plan submitted with the original post-hearing submission); and

4) Provide at least twenty percent of the market rate townhomes with roof decks.

4.
Acquisition of Private Properties

As a result of the density and design analysis discussed above, the Applicants have determined not to reduce the number of properties now in private ownership which must be acquired to achieve the development program. The Applicants note that the site plan contained in the original HOPE VI Grant application contemplated the acquisition of all the thirty-five privately owned properties within the boundaries of the area, except for St. Paul's Church at the southeast corner of 4th and I Streets. Through refinement of the plan, fifteen of those properties are no longer proposed to be acquired as part of the project. Acquisition of only a small portion of the rear of five additional properties in the block bounded by 3rd , 4th, K and L Streets will be needed to complete alley access in that square.

The current site plan requires the acquisition of only ten properties in Square 799 and five properties in Square 800, the block bounded by 3rd, 4th, L and M Streets. This represents approximately 2% of the total area of the project. Of the twenty properties, nine are owner occupied and eleven are held by absentee owners. Of the nine owner occupied properties, three were acquired by their current owners since the year 2000 (two after the HOPE VI application was submitted), four were acquired in the 1990's and two were acquired prior to 1990.

The rights of the owners of all of those properties will be protected through the procedures and policies of the federal Uniform Relocation Act. In accordance with the requirements of the Act, appraisals of all of the properties have been completed. The next step is for the owners to be sent a written purchase offer along with a summary statement explaining the basis for the offer. The summary statement will include a description of the property and the interest to be acquired, the amount offered as just compensation and a list of buildings and other improvements covered by the offer.

All of the privately owned properties are in the area of the preliminary PUD. The Applicants have indicated that they will either own or control or will have initiated condemnation proceedings for those properties prior to filing a second stage application for those properties. Since the Applicants have additional time to work on the design of the two squares which include privately owned properties, the number of properties which need to be acquired may be reduced by further study. The Applicants will continue to explore whether more of the existing buildings can be retained in private ownership.

5.
Development under the Existing R-5-B Zoning

One of the guiding design principles for the Capper/Carrollsburg project was to create a new neighborhood which knits into the fabric of the existing Capitol Hill neighborhood across the Southeast Freeway to the north and which connected to the Anacostia River through the new neighborhood to be created at the Southeast Federal Center. The overall density and the mix of housing types represents a transitional step up from Capitol Hill to the Southeast Federal Center, or down in the reverse direction.

The Applicants emphasize that the existing zoning of the Capper/ Carrollsburg area is R-5-B, as compared to the R-4 District which applies to the majority of Capitol Hill and the R-5-D/R-5-E/CR proposed to be applied to the Southeast Federal Center. The R-5 Districts by definition are "designed to permit flexibility of design by permitting in a single district ... all types of urban residential development." (11 DCMR 350.1) The R-5-B District is designated for moderate height and density. As shown in the site plan attached as Exhibit E, (previously submitted as part of the Applicants' first post-hearing submission) a typical R-5-B development would consist of three story walk-up apartment with surface parking at the rear and very little green space on-site. By aggregating open space in common areas and through access to the Marine Barracks playing fields, the proposed development yields much more usable open space than would likely be achieved under R-5-B development.

Both the R-4 and R-5-B Districts allow a maximum lot occupancy of sixty percent. The PUD as proposed, including the Van Ness School but not including the open space associated with the Marine Barracks, has an overall lot occupancy of approximately 53%. Excluding the land area in the Canal Blocks Park, the overall lot occupancy is still slightly less than 60%.

6.
Design of M Street Office Buildings

For the reasons noted above, the Applicants have not reduced the height or gross floor area of the two office buildings in the 600 block of M Street. Those two buildings complement the height and density suggested for the south side of M Street in the zoning proposed for the Southeast Federal Center (CR at 6.0 FAR and 110 feet in height with approval of the Zoning Commission for the area east of the proposed DOT Headquarters).

The total amount of commercial gross floor area in the PUD (in the three office buildings plus the additional ground floor retail in the apartment buildings) is less than the commercial gross floor area now permitted as a matter-of-right on the land within the PUD boundaries. That floor area is distributed in a different way than the current zoning permits, partly to spread the mix of residential uses into the area west of 2nd Street and partly to reinforce the high-rise commercial boulevard concept along M Street.

The 600 block office buildings are adjacent to lower density and height residential buildings to the north. These buildings are programmed at thirty-five to forty feet in height. This is a condition typical of development in Washington, where high-rise corridors are often adjacent to low-rise residential areas, separated only by a public alley. Since the design of the office buildings will require further review by the Zoning Commission in a second stage application, the Commission will have the opportunity to determine whether the specific design proposed requires any further attention to establish a transition to the future residential uses, possibly including cornices or other design articulation below the top of the buildings to create a stronger horizontal appearance.

7.
Contributions to Canal Blocks Park

The Office of Planning requested the Applicants to restate the basis for funding for the development of the Canal Blocks Park. The Canal Blocks Park comprises Federal Reservations 17 B, C and D between 2nd Street and 2nd Place and I and M Streets. The three parcels are owned by the United States and are under the jurisdiction of the District of Columbia for recreation and related purposes.

The Canal Park Development Association (CPDA) is a non-profit entity authorized by Act of Congress established to work in a joint public/private partnership with the Government of the District of Columbia for the purpose of promoting, fundraising, designing, constructing, and maintaining the Canal Blocks Park. Membership is open to representatives of contiguous landowners, as well as public entities actively participating in the revitalization of the District's near Southeast.

The CPDA has received $2,947,000 in commitments from private landowners, in addition to $2,500,000 in funds received from the U.S. Congress. William C. Smith & Co., Inc., in conjunction with the development of four parcels contiguous to the Canal Blocks Park, including the property within the PUD in Square 769, has pledged $310,000. Mid City Urban LLC and Forest City Enterprises, through their participation in Capper/Carrollsburg Venture, LLC, have pledged $137,000 to CPDA. The JBG Companies, in conjunction with its development of the U.S. Department of Transportation headquarters building, has pledged $2,500,000 for development of the Canal Blocks Park.

8.
Jobs Matrices

As part of the project, the Capper/Carrollsburg Venture LLC will enter into First Source and LSDBE agreements with the appropriate agencies of the District of Columbia Government. In order to give a head start to individuals and community organizations which might want to qualify for the jobs to be created as part of the development, the Applicants have developed a matrix of the types of jobs and a general construction schedule showing when those jobs would be needed.

Those matrices for the low-rise residential development included in the consolidated PUD and for the Senior Building 1 are attached as Exhibit F.

Conclusion

The Applicants believe that they have responded to the issues and concerns raised by the Commission in its prior discussion. The Applicants respectfully request that the Commission grant the two PUD applications at the earliest possible date.

Sincerely,

Whayne S. Quin

M. Carolyn Brown

Steven E. Sher
Director of Zoning and Land Use Services

Attachments

cc: D.C. Office of Planning
Advisory Neighborhood Commission 6D
Advisory Neighborhood Commission 6B

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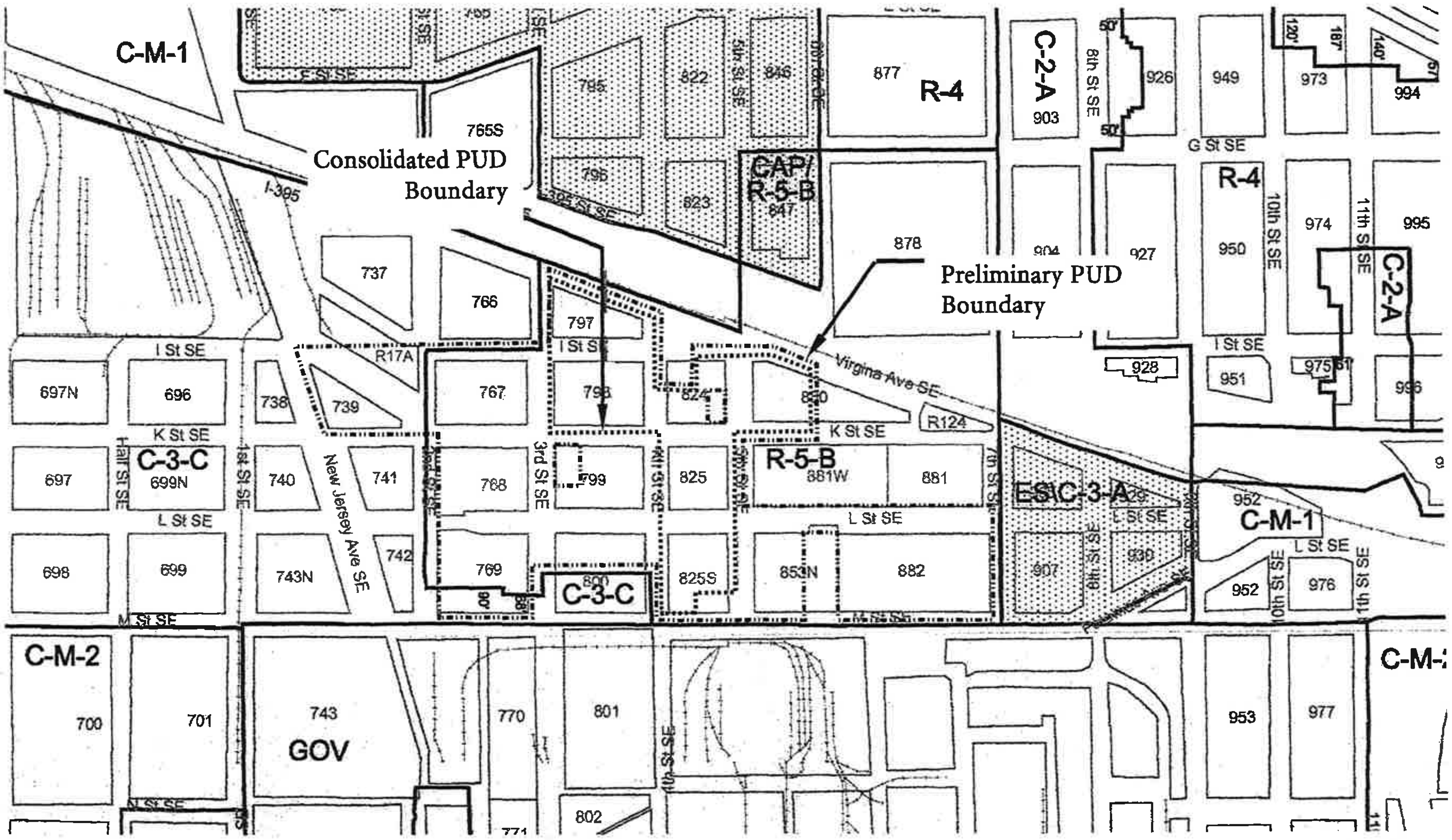


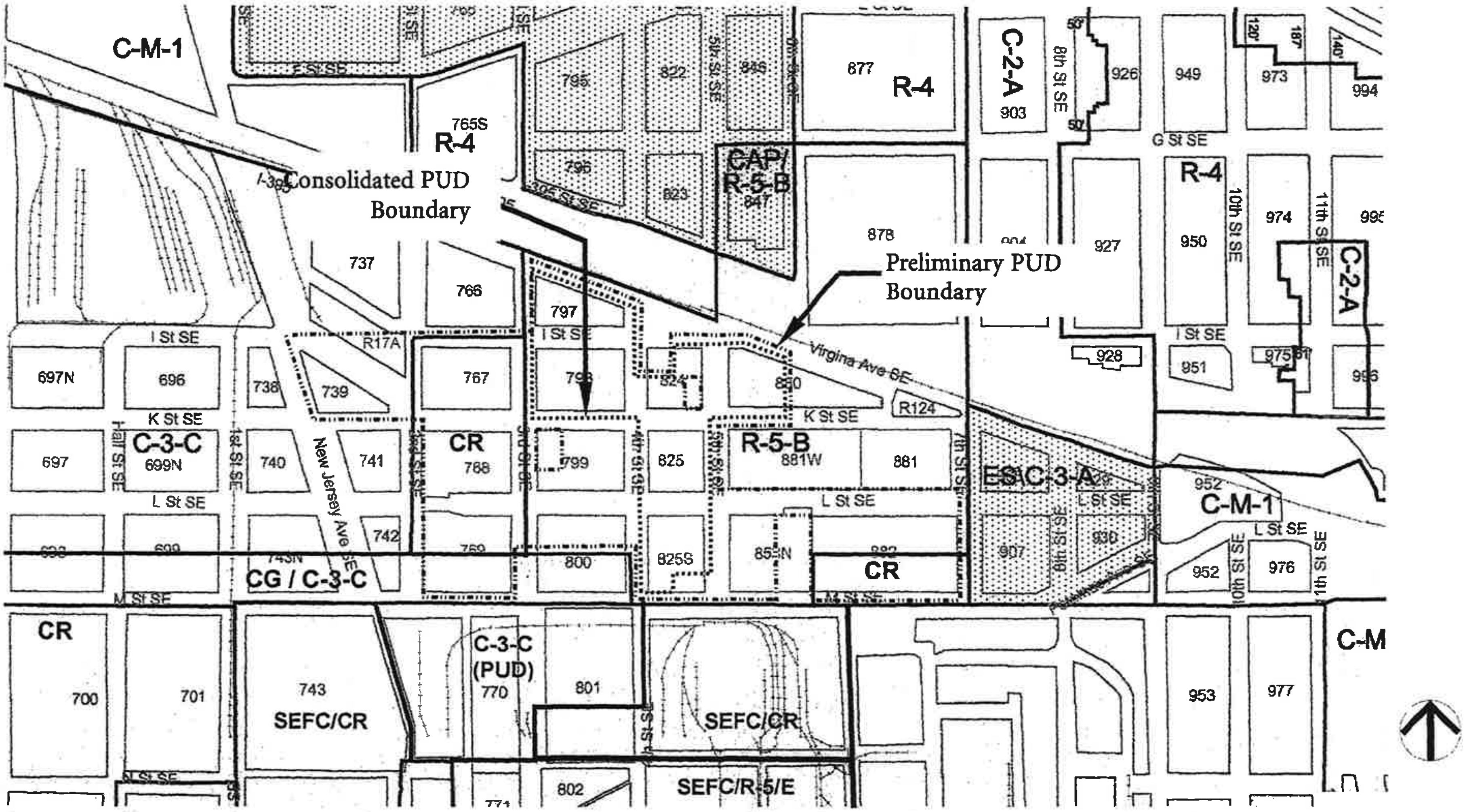
EXISTING ZONING

NOVEMBER 17, 2003

CAPPER/CARROLLSBURG VENTURE, LLC / DCHA
TORTI GALLAS AND PARTNERS • CHK

CAPPER/CARROLLSBURG DWELLINGS

S-2.0



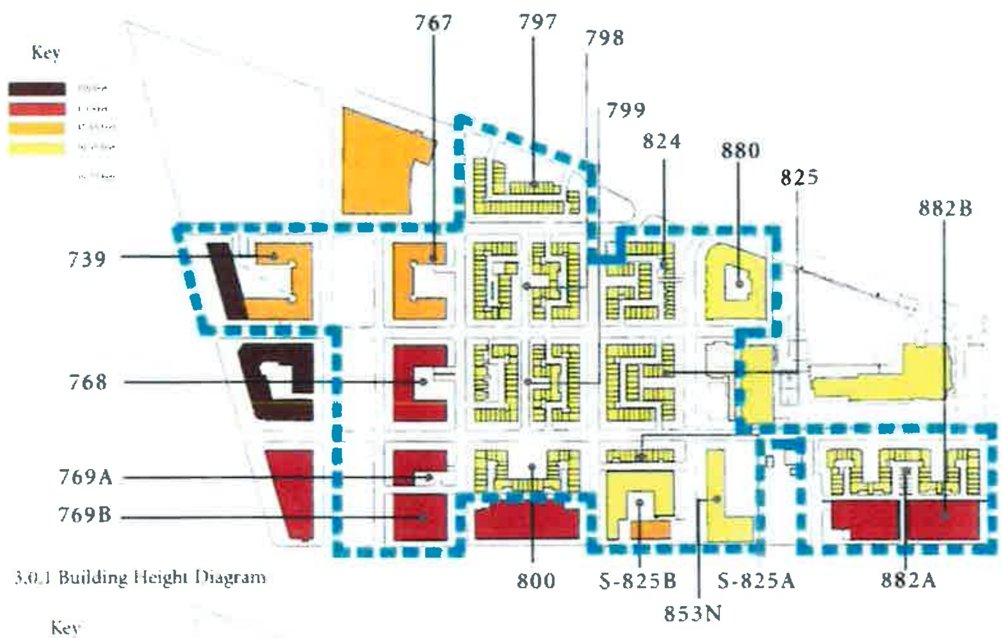
PROPOSED ZONING

NOVEMBER 17, 2003

CAPPER/CARROLLSBURG DWELLINGS

S-2.1

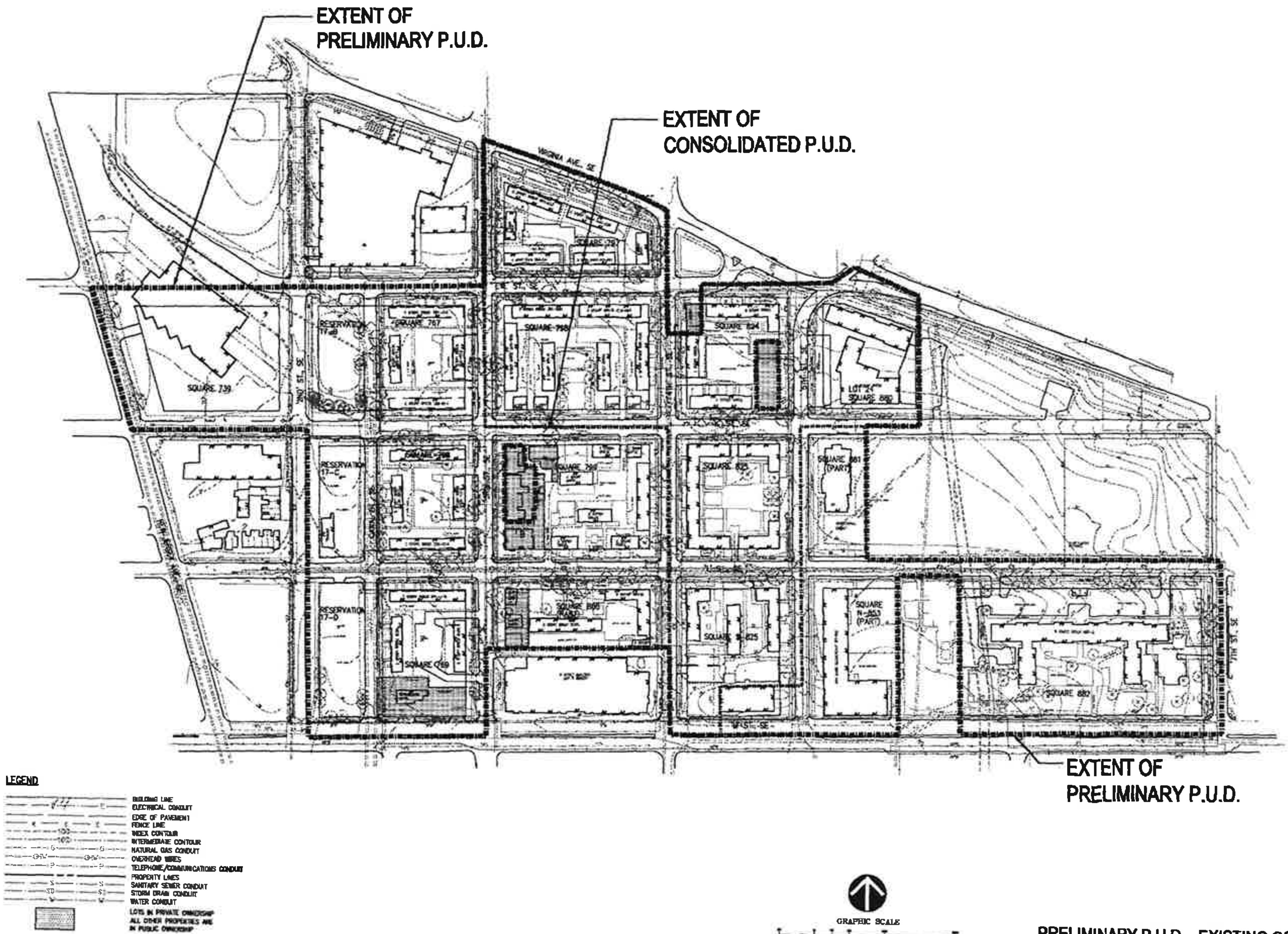
CAPPER/CARROLLSBURG VENTURE, LLC / DCHA
TORTI GALLAS AND PARTNERS • CHK



3.0.1 Building Height Diagram

3.0.2 Building Program Diagram

Square	Proposed Use	Number of Stories	Bldg Height (Feet)	Number of units	SF of Office retail	Square Dimensions	Building Area (footprint)	Percentage of Lot Occupancy	Building SF	Square SF	FAR
739	Residential Apartments	6 to 13	65 to 130	322	6000	varies - see plan	51735	0.73	430013	70732.79	6.08
767	Residential Apartments	6	65	147	6000	392.42' x 235.0	30368	0.39	182210	77412.97	2.35
768	Residential Apartments	11	110	295	6000	varies - see plan	30368	0.38	334052	79001.8	4.23
769 - A	Residential Apartments	11	110	107	3000		15446		169906		
769 - B	Office	11	110		236,000		23,600		236,000		
769 total							39,046	0.40	405,906	97303.54	4.17
797	Residential Townhomes/ Stacked Units	3 to 4	30-45	47		varies - see plan	25788	0.61	94,972	42508.38	2.23
798	Residential Townhomes/ Stacked Units	3 to 4	30-45	75		329.42' x 235.0	41384	0.53	141,422	77413.69	1.83
799	Residential Townhomes/ Stacked Units	3 to 4	30-45	60		329.42' x 235.0	34457	0.52	122,055	66738.71	1.83
800	Residential Townhomes/ Stacked Units	3 to 4	30-45	46		varies - see plan	23752	0.54	77,966	44247.66	1.76
824	Residential Townhomes/ Stacked Units	3 to 4	30-45	41		210.6' x 235.0	22512	0.57	29,732	39363.53	0.76
825	Residential Townhomes/ Stacked Units	3 to 4	30-45	57		209.98' x 235.0	31188	0.63	61,284	49345.29	1.24
S-825-A	Residential Townhomes/ Stacked Units	3 to 4	30-45	13			7035		25,411		
S-825-B	Residential Senior Apartments	8	45	198			32592		166,717		
S-825 total						210.45' x 290.15'	39627	0.65	192,128	60983.6	3.15
N-853	Van Ness School					168.87' x 289.83'	23550	0.49	49,400	48943.62	1.01
880	Residential Senior Apartments	4	50	162		varies - see plan	32582	0.73	128053	44917.35	2.85
Reservation 19	Community Center					132'-0"x275'-4"	18000	0.49	18000	36551	0.49
882-A	Residential Townhomes/ Stacked Units	3 to 4	30-45	75		245'-8" x 171'-6"	39924		131,288		
882-B	Office	9 to 10	110		496,000	245'-8" x 148'-3"	45090		496000		
882 total					496,000		85014	0.54	627,288	158215.6	3.96
Total				1645	753000				2,894,481	993679.6	2.91



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CAPPER / CARROLLSBURG VENTURE, LLC/ DCHA
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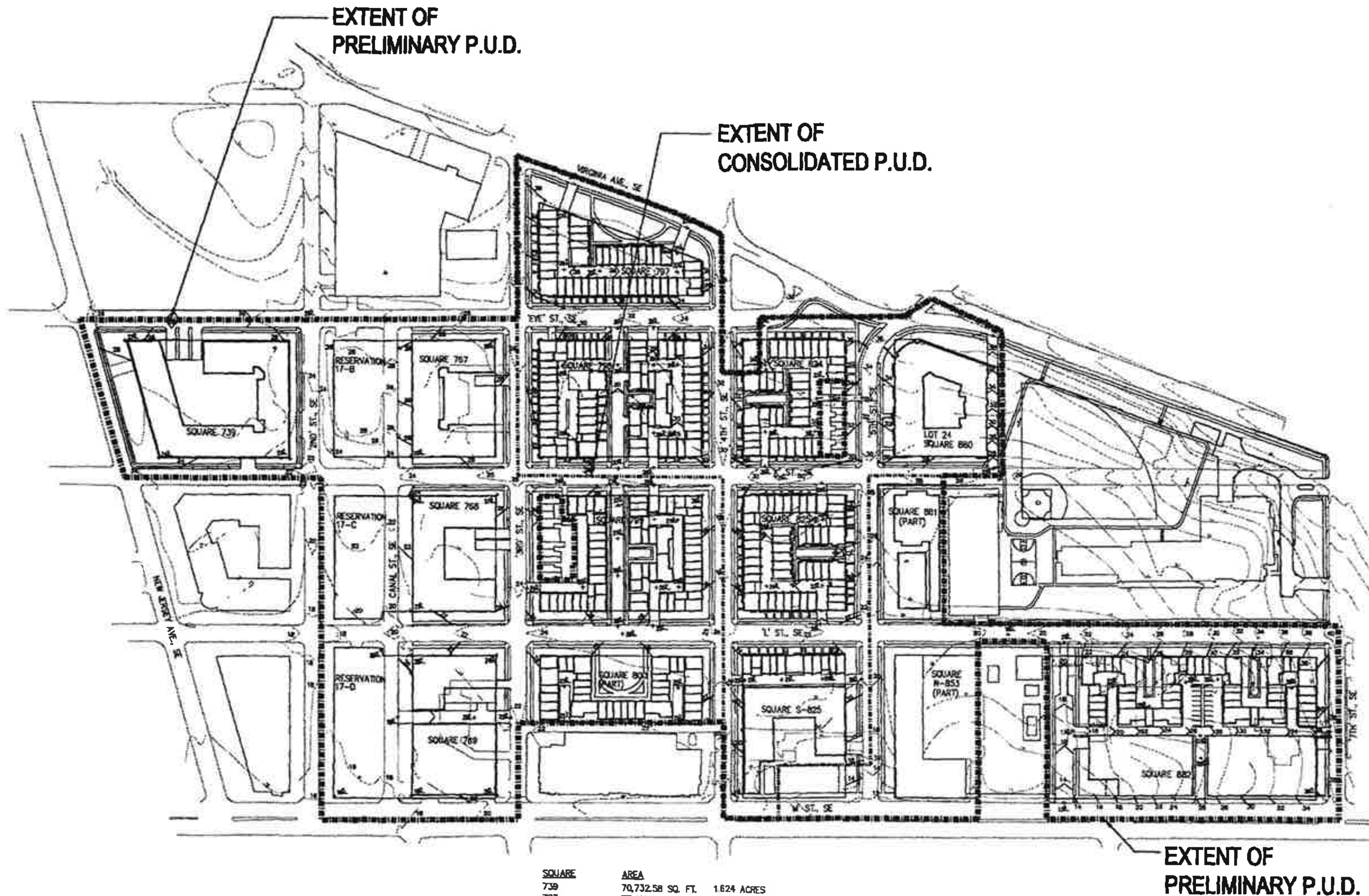
PRELIMINARY P.U.D. - EXISTING CONDITIONS PLAN

ARTHUR CAPPER / CARROLLSBURG DWELLINGS

C-1.0

ZONING COMMISSION
District of Columbia
CASE NO.03-12
EXHIBIT NO.78B



LEGEND

EXISTING CONTOUR LINE
PROPOSED CONTOUR LINE
PROPOSED SPOT ELEVATION
BUILDING LINE
PROPERTY LINE

SQUARE	AREA	
739	70,732.58 SQ. FT.	1.624 ACRES
767	77,412.97 SQ. FT.	1.777 ACRES
768	79,001.80 SQ. FT.	1.814 ACRES
769	97,303.54 SQ. FT.	2.234 ACRES
797	42,508.38 SQ. FT.	0.976 ACRES
798	77,413.69 SQ. FT.	1.777 ACRES
799	66738.71 SQ. FT.	1.532 ACRES
800	44,247.66 SQ. FT.	1.016 ACRES
824	39,363.53 SQ. FT.	0.904 ACRES
825	49,345.29 SQ. FT.	1.133 ACRES
S-825	60,983.60 SQ. FT.	1.400 ACRES
N-853	48,943.62 SQ. FT.	1.124 ACRES
880 (LOT 24)	44,917.35 SQ. FT.	1.031 ACRES
881	36,356.76 SQ. FT.	0.835 ACRES
882	158,215.62 SQ. FT.	3.632 ACRES

GRAPHIC SCALE

PRELIMINARY P.U.D. - GENERAL SITE PLAN

CAPPER / CARROLLSBURG VENTURE, LLC/ DCHA
TORTI GALLAS AND PARTNERS·CHK

ARTHUR CAPPER / CARROLLSBURG DWELLINGS
C-1.1

chILDREN fIRST
DISTRICT OF COLUMBIA PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT
825 North Capitol Street, NE, 9TH Floor
Washington, D.C., 20002-1994
(202) 442-5885 – fax: (202) 442-5026

October 28, 2003

Mr. Andrew Altman
District of Columbia
Director, Office of Planning
801 North Capitol Street, NE
4th Floor
Washington, DC 20002

Dear Mr. Altman:

Thank you for your recent update regarding the planned unit development (PUD) for the Arthur Capper and Carrollsburg public housing development in Southeast DC as part of a Hope VI Revitalization grant. We understand that the neighboring area is slated for major development, including a doubling of the number of residences and substantial office and retail development. This project surrounds Van Ness Elementary School and will have a substantial impact on the community. We will incorporate this redevelopment into our educational facility master planning efforts to ensure that the school continues to meet the needs of the community.

We further understand that an opportunity exists to formally incorporate the school site into the area denoting the PUD. This does not commit DCPS to any abrogation of rights regarding DCPS control and use of the site. However, it does afford us the opportunity to have the school's needs considered in the shaping of the ultimate development plans. We therefore request the inclusion of Van Ness Elementary School into the PUD site with the understanding that DCPS will retain all rights related to control and use of the site. If you have any questions or need any additional information, please call Sarah Woodhead at 576-7718. Thank you.

Respectfully,

Paul L. Vance
Paul L. Vance
Superintendent

cc: William Lockridge
Tommy Wells
Elfreda Massie
Louis Erste
Veleter Mazyck
Sarah Woodhead
Phyllis Anderson

ZONING COMMISSION
District of Columbia
CASE NO.03-12
EXHIBIT NO.78A

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 03-12G/03-13H
Z.C. Case Nos. 03-12H and 03-13H
(Modifications to Approved PUD in Squares 739, 767, 768, and S825)
Capper/Carrollsburg Venture, LLC and the D.C. Housing Authority
June 8, 2009

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on March 19, 2009, to consider an application from Capper Carrollsburg Venture, LLC and the District of Columbia Housing Authority ("DCHA") (collectively, the "Applicant") for modifications to an approved planned unit development in Squares 739, 767, 768, and S825. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR §3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

Background and Prior Capper Carrollsburg Approvals

1. Pursuant to Order No. 03-12/03-13, effective October 8, 2004, the Commission granted preliminary approval of the PUD for the following properties: Square 737, those portions of Lot 814 and Reservation 17A that lie south of the southern right-of-way line of I Street extended; Square 799, Lots 20, 27, 28, 29, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 803, 805, 807, 808, 809, 816, 818, 819, 825, 826, and 827; Square 800, Lots 25, 26, 27, and 28; Square 824, Lots 37, 38, and 39; Square N853, Lot 809; Square 880, Lot 24; Square W881, that part of Lot 800 within 132 feet of 5th Street; Square 882, Lot 76; and all of Squares 739, 767, 768, 769, 797, 798, 825, and S825.

2. The Commission also granted consolidated approval of the PUD for the following properties: Square 824, Lots 37, 38, and 39; Square S825, Lots 31, 32, and 33; Square 880, Lot 24; and all of Squares 797, 798, and 825. The Commission also granted a PUD-related map amendment to rezone the following properties from R-5-B to CR upon completion of the second-stage approval of the PUD: Square 769, that portion lying more than 145 feet from the northern right-of-way line of M Street (including a portion of Reservation 17D); Square 882, that portion lying south of the midpoint of the Square; and all of Squares 767 and 768 (including Reservations 17B and C).

3. The Commission has approved a number of applications since issuing Order No. 03-12/03-13 in order to implement the redevelopment, including:

   - Order No. 03-12B/03-13B approving a minor modification to allow for construction of the multi-family building in Square 825S to a height of 48 feet, 3¾ inches;

   - Order No. 03-12A/03-13A granting second-stage approval for Lots 44, 45, 46, 47, 48, 49, 50 in Square 799, Lots 20, 25, 26, 27, 28, 816, 818, 819, 820 in Square 800, and Square 881W and modifying portions of the parking requirements for the consolidated PUD approval;

   - Order No. 03-12F/03-13F granting second-stage approval for parts of Lots 18, 20 and 21 in Square 769 to construct an office building, and Order No. 03-12F/03-13F approving a modification to increase the building's measured building height from 110 feet to 130 feet, and to increase the gross floor area of the building from 207,785 square feet to 234,182 square feet;

   - 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 and requiring off-site parking; and

   - Order No. 03-12E/03-13E approving a minor modification to allow for Squares 767, 768 and 882 to be used as temporary surface parking lot accessory to the new Nationals ballpark for a period of no more than five years.

The Current Application, Parties, and Hearing

4. On July 3, 2008, the Applicant filed an application seeking, among other things, approval to modify conditions of the first-stage approval related to remaining portions of the overall PUD to be developed in Squares 739, 767 and 768, and conditions relating to the number of parking spaces required for the multifamily building in Square 825S.

5. At its public meeting on September 8, 2008, the Commission instructed the Applicant to file a separate application for each of the requested actions being sought by the Applicant.

6. On September 18, 2008, the Applicant submitted separate application materials for: (1) second stage review and approval of a PUD and modifications for property located in Squares 769 and 882 (Case No. 03-12G/03-13G); (2) approval to modify conditions of the first-stage approval related to remaining portions of the overall PUD to be developed in Squares 739, 767, and 768, and conditions relating to the number of parking spaces

required for the multifamily building in Square 825S (Case No. 03-12H/03-13H); and (3) an extension of time for the validity of the first-stage PUD approval, and additional time to file a building permit application and commence construction of the community center in Square 881W (Case No. 03-12I/03-13I).

7. At is public meeting on October 20, 2008, the Commission voted to schedule a public hearing on the application.

8. On December 5, 2008, the Applicant submitted a Prehearing Statement and development data information for Case No. 03-12H/03-13H (Exhibits 3 and 4), clarifying the requested modifications to the prior orders and proposed overall development parameters.

9. After proper notice, the Commission held a combined public hearing on the applications on March 19, 2009. The parties to the case were the Applicant, Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the property is located, and ANC 6B, the adjacent ANC.

10. Three principal witnesses testified on behalf of the Applicant at the March 19, 2009 public hearing, including David Cortiella, on behalf of the DCHA; Dan McCabe, on behalf of Capper Carrollsburg Venture, LLC; and Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP. Based upon his professional experience, as evidenced by the resume submitted for the record, Mr. Sher was qualified by the Commission as an expert in land use and zoning.

11. The Office of Planning ("OP") testified at the public hearing in support of the project.

12. ANC 6D submitted a letter and resolution (Exhibit 7 in Case No. 03-12I/03-13I) indicating that at a duly noticed public meeting on March 9, 2009, at which a quorum was present, ANC 6D voted 5-1-1 to support the application to extend the first stage approval and phasing of the overall PUD (Case No. 03-12I/03-13I), for the second stage approval for property in Squares 769 and 882 (Case No. 03-12G/03-13G) and for modifications to the reaming portions of the overall PUD's density (Case No. 03-12H/03-13H), but only on condition that the Commission require the Applicant to file a building permit application for the community center building in Square 881W by January 1, 2010, to commence construction of the community center by January 1, 2011, complete construction of the community center by July 1, 2012, and commit to provide 50 parking spaces at 600 L Street, S.E. for certified health care workers who care for seniors in 900 5th Street, S.E. and 410 M Street, S.E. until construction commences on 600 L Street, S.E. The ANC 6D letter did not indicate that it authorized anyone to present the ANC report at the public hearing, as required pursuant to 11 DCMR § 31012.5(h).

13. ANC 6B submitted a letter (Exhibit 5 in Case No. 03-12I/03-13I) indicating that at its regularly called and properly noticed meeting on February 10, 2009, with a quorum present, ANC 6B voted unanimously (8-0) to oppose modifications, but to support the time extension for the PUD to 2013. ANC 6B indicated that it opposed the modifications

because it was concerned that the amount of open, green space would be reduced; it opposed the increase in the height of the office building; and it opposed further delay in the construction of the community center building in Square 881W. The ANC 6B letter did not indicate that it authorized anyone to present the ANC report at the public hearing, as required pursuant to 11 DCMR § 31012.5(h).

14. Kenan Jarboe, an ANC 6B Commissioner, testified at the public hearing in his individual capacity, and indicated that the ANC opposed the applications, but would remove its opposition if: (1) the height of the office building in Square 882 was maintained at 90 feet and measured from the M Street side of the building; (2) the apartment building in Square 882 be reconfigured to include as much open space as would have been on that site if developed as townhomes; and (3) the community center be built at the same time as the residential units. (Exhibit 32).

15. Robert Siegel, an ANC 6D Commissioner, testified at the public hearing in his individual capacity, and indicated that he had no objections to Case No. 03-12G/03-13G seeking second stage review and approval of modifications for property located in Squares 769 and 882. (Exhibit 33).

16. Ron McBee, an ANC 6D Commissioner, testified at the public hearing in his individual capacity, and indicted that he supported the requested increase in office building height and other modifications proposed under applications 03-12G/03-13G and 03-12H/03-13H, with the exception of the request to reduce the amount of parking, and that he opposed the requested extension of time to start construction of the community center building. (Exhibit 34).

17. David Meadows, an individual residing at 305 K Street, S.E., testified that he opposed the modifications requested pursuant to Case No. 03-12H/03-13H.

18. Ms. Deborah Frazier and Ms. Olena Oliphant opposed the design of the residential building in Square 882, and also testified that DCHA has not implemented the job training and counseling portions of the Community Supportive Services Program required as part of the first stage approval.

19. At its public meeting on April 27, 2009, the Zoning Commission took proposed action to approve the application and plans that were submitted to the record.

20. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated June 4, 2009, advised the Zoning Commission that the proposed PUD would not be inconsistent with the Comprehensive Plan for the National Capital or adversely affect any other identified federal interest.

21. The Commission took final action to approve the application on June 8, 2009.

The Requested Modifications

Modification of Conditions Regarding Number of Units and Density

22. The Applicant is seeking modifications to increase the overall density of the project. Specifically, 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 a floor area ratio ("FAR") of 2.34 to 2.36; 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.

23. The new proposed distribution of uses and densities is shown on the "Capper/Carrollsburg Overall Plan" and "Capper/Carrollsburg Overall Analysis" sheets included in the Prehearing Statement. (Exhibit 4.)

24. The Applicant testified, and the Commission finds, that 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. Moreover, the requested density increases are attributable in part to the design of the buildings in Square 769 and 882 approved in Case 03-12G/03-13G.

Modification of Conditions Regarding Number of Parking Spaces

25. The Applicant is also seeking a modification to reduce the overall amount of parking required for the PUD.

26. 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.

27. 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 will be 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.

28. 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 § 2101 of the Zoning Regulations. By providing the minimum requirement of § 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 the Applicant's traffic expert, reducing the number of parking spaces will not have an adverse impact on the project or the area. The Commission finds that 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.

Modification of Condition Regarding Parking for Multifamily Building in Square S825

29. 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. Z.C. Order No. 03-12D/03-13D approved 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 and the Applicant was required to provide 70 parking spaces for the multi-family building in Square 825S by providing additional parking spaces throughout the development.

30. 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 the Applicant's traffic expert, actual experience since the building was occupied indicates that the existing on-site parking garage is not fully-utilized by the current residents or their guests and there is currently no present and likely will be no future demand for off-site parking.

Office of Planning Report

31. By report dated August 29, 2008, OP recommended that the Commission schedule a public hearing on the applications. (Exhibit 12.)

32. By report dated October 10, 2008, OP indicated that the Applicant submitted the information requested by the Commission at the September 8, 2008 public hearing, and

that after reviewing the additional materials, OP continued to recommend that the Commission schedule a public hearing on the applications. (Exhibit 17.)

33. By report dated March 9, 2009, OP recommended final approval of the application. (Exhibit 25 o Case No. 03-12G/03-13G.) OP indicated that the PUD's market rate units and commercial space are intended to cross-subsidize the below-market rate units. OP also indicated that construction costs are considerably higher now than when the PUD was approved in 2004, and the ability to finance projects has become exceptionally challenging. Thus, OP concluded that the requested market rate unit increase, plus the increase in commercial space, would generate additional revenue for the below-market rate units' cross-subsidy and would put the applicant on firmer ground when seeking financing.

DDOT Report

34. By report dated March 16, 2009, the District Department of Transportation ("DDOT") indicated that it supported the requested parking reductions based upon the site's proximity to rail and bus transit service and since the reduction is consistent with DDOT's parking management goals. (Exhibit 8 of Case No. 03-12I/-3-13I).

CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modifications are consistent with the intent of Zoning Commission Order No. 03-12/03-13. The Commission concludes that the proposed modifications are in the best interest of the District of Columbia, and not inconsistent with the intent and purpose of the Zoning Regulations and Zoning Act. The approval of the modifications is not inconsistent with the Comprehensive Plan. Further, the requested modifications will not affect any of the other conditions of the approved PUD.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for modifications to the planned unit development in Squares 739, 767, 768, and S825. Accordingly, the following conditions are hereby revised to read as follows (deleted test shown in strikethrough:

1. Condition No. 5 of Order No. 03-12/03-13 shall read as follows:

 The project in its entirety shall include a maximum of 1,747 ~~1,645~~ residential units, a maximum of 708,302 ~~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

"Capper/Carrollsburg Overall Plan" and "Capper/Carrollsburg Overall Analysis" sheets included with the Prehearing Statement and marked as Exhibit 4 in the record of Case No. 03-12G and 03-12H. ~~and Site Plan Development Data, Sheet S-3.1 of the Preliminary Plans.~~

2. Condition No. 7 of Order No. 03-12/03-13 shall read as follows:

The overall maximum permitted ~~residential~~ density shall be 3.32 ~~2.21~~ FAR across the project as a whole, for a maximum permitted gross floor area of 2,889,517 ~~2,092,081~~ square feet, including the community center. The overall maximum permitted office and retail density shall be 0.87 ~~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 759,302 ~~753,000~~ square feet. The project shall also include the density currently contained on the Van Ness Elementary School site in Square 853N.

3. Condition No. 11 of Order No. 03-12/03-13 shall read as follows:

The project shall include a minimum of 1,780 ~~1,980~~ off-street parking spaces. The distribution of the spaces shall be as shown on the "Capper/Carrollsburg Overall Plan" and "Capper/Carrollsburg Overall Analysis" sheets included with the Prehearing Statement and marked as Exhibit 4 in the record of Case No. 03-12G and 03-12H. ~~Parking Plan, Sheet T-3.0 of the Preliminary Plans.~~

4. Condition No. 9 of Order No. 03-12A/03-13A shall read as follows:

The overall maximum permitted residential density shall be 2.39 ~~2.34~~ FAR across the project as a whole, for a maximum permitted gross floor area of 2,070,315 ~~2,138,431~~ square feet, including the community center.

5. Condition No. 6 of Order No. 03-12/03-13 and the Decision section of Order No. 03-12D/03-13D shall read as follows:

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 Number 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. 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 membership at discounted rates to occupants of the building.~~

On April 27, 2009, upon motion of Chairman Hood, as seconded by Commissioner Jeffries, the Zoning Commission **APPROVED** the application at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Gregory N. Jeffries, and Peter G. May to approve; Michael G. Turnbull not present, not voting; William W. Keating, III, not having participated, not voting).

On June 8, 2009, 2009, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Michael G. Turnbull, and Peter G. May to adopt; William W. Keating, III and Konrad W. Schlater, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 14, 2009.

Anthony J. Hood
ANTHONY J. HOOD
Chairman
Zoning Commission

Richard S. Nero, Jr. /SS
RICHARD S. NERO, JR.
Acting Director
Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

Z.C. CASE NO.: 03-12H/03-13H

As Secretary to the Commission, I hereby certify that on AUG - 6 2009 copies of this Z.C. Order No 03-12H/03-13H were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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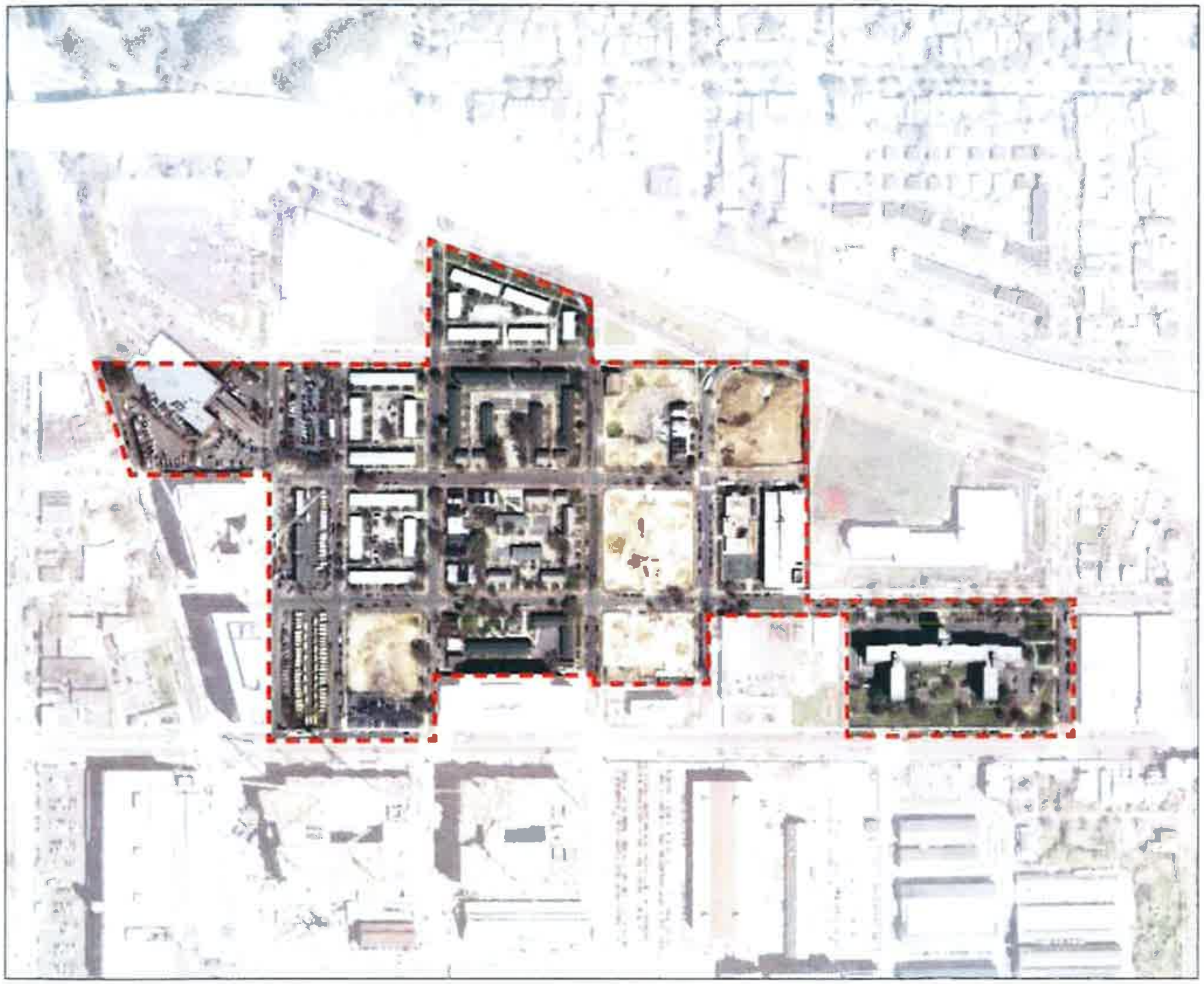
ATTESTED BY: S. S. Schellin
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning



ARTHUR CAPPER CARROLLSBURG

PLANNED UNIT DEVELOPMENT

WASHINGTON, DC

PREHEARING STATEMENT
REQUEST FOR MODIFICATIONS OF
CONDITIONS OF
ORDER NO. 03-12/03-13 &
ORDER NO. 03-12D/03-13D

01 DECEMBER 2008

APPLICANT

CAPPER CARROLLSBURG VENTURE, LLC
DISTRICT OF COLUMBIA HOUSING AUTHORITY

DEVELOPER

FOREST CITY I WASHINGTON
MID-CITY URBAN LLC

ARCHITECTS

SHALOM BARANES ASSOCIATES
LESSARD GROUP

LANDSCAPE ARCHITECT

EDAW I AECOM

TRAFFIC CONSULTANT

GOROVE / SLADE ASSOCIATES, INC.

CIVIL ENGINEER

VIKA INCORPORATED

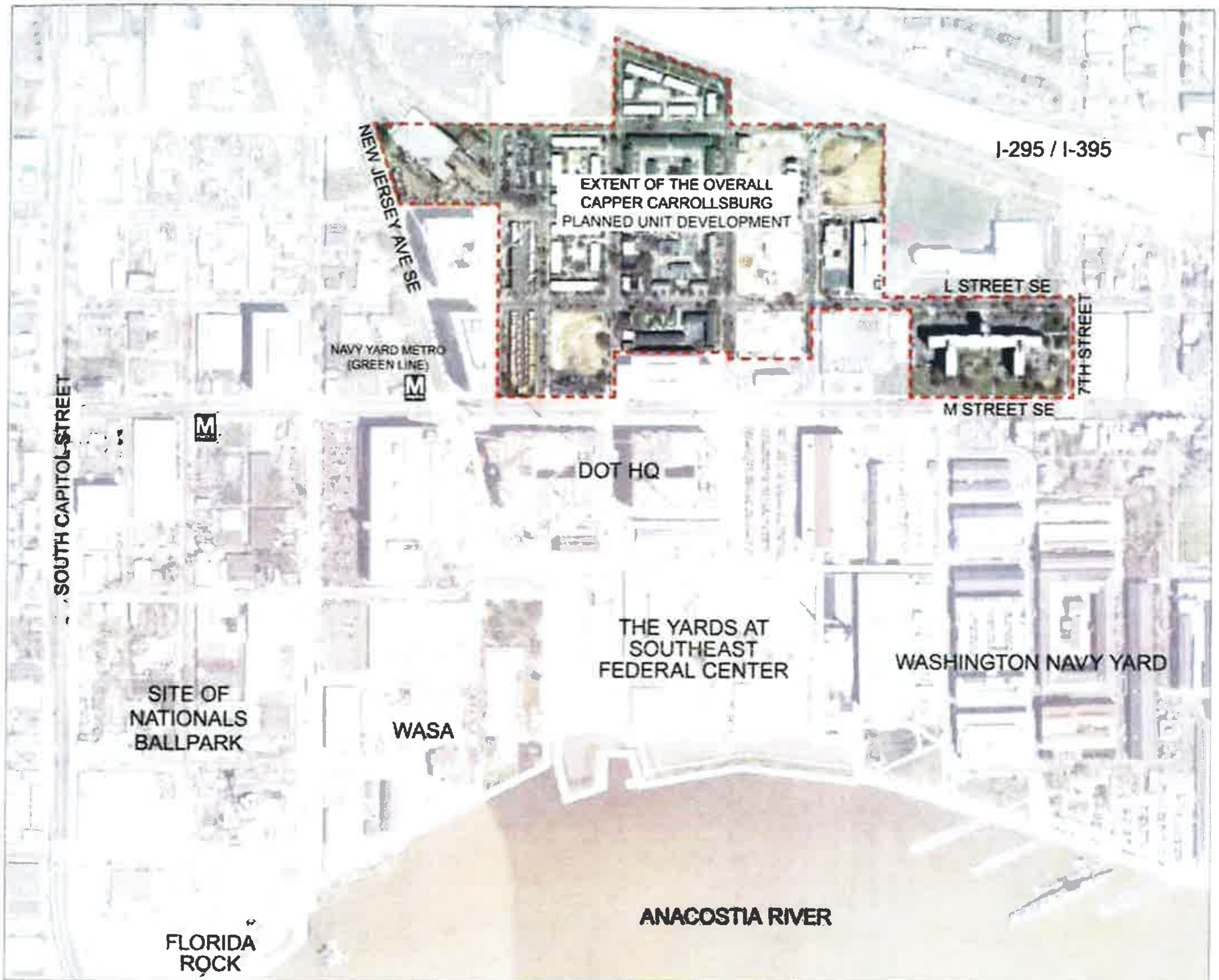
LAND USE COUNSEL

HOLLAND & KNIGHT, LLP

03-12/03-13H
4

VICINITY MAP

2406.11(b)



CAPPER/CARROLLSBURG OVERALL ANALYSIS

SITE PLAN DEVELOPMENT DATA
APRIL 18, 2005

Square	Proposed Use	Number of Stories	Bldg Height (Feet)	Number of Units	SF of Office	Square Footage	Building Area	Percentage of Lot Occupancy	Building SF	Square SF	FAR
739	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
767	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
768	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
769 - A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
769 - B	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
769 total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
797	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
798	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
799	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
800	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
824	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
825	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
S-825-A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
S-825-B	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
S-825 total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
N-853 (Part)	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
880	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
881 West	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
882-A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
882-B	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
882 total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

SITE PLAN DEVELOPMENT DATA
DECEMBER 1, 2008

Square	Proposed Use	Number of Stories	Bldg Height (Feet)	Total Number of Units	ACC Rental Units	SF of Office	SF of Retail	SF of Residential	SF of Civic	Building Area (footprint)	Percentage of Lot Occupancy	Building SF	Square SF	FAR	Retail Parking	Office/Retail Parking
739	Residential Apartments	9 to 13	[illegible]	[illegible]	[illegible]	0	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
767	Residential Apartments	8	[illegible]	[illegible]	[illegible]	0	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
768	Residential Apartments	11	[illegible]	[illegible]	[illegible]	0	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
769 - A	Residential Apartments	[illegible]	[illegible]	171	34	0	4,280	177,230		20,410		[illegible]			152	
769 - B	Office	[illegible]	[illegible]			[illegible]	[illegible]			[illegible]		[illegible]				150
769 total						[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
797	[illegible]	1 to 4	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	46	
798	[illegible]	1 to 4	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	83	
799	[illegible]	1 to 4	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	47	
800	[illegible]	1 to 4	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	28	
824	[illegible]	1 to 4	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	34	
825	[illegible]	1 to 4	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
S-825-A	[illegible]	1 to 4	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]		[illegible]			15	
S-825-B	Residential Apartments	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]		[illegible]			33	
S-825 total						[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
N-853 (Part)	School	[illegible]				0			[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
880	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	37	
881 West	Community Center	[illegible]	[illegible]			[illegible]			[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
882-A	Residential Apartments	[illegible]	[illegible]	[illegible]	[illegible]	0		[illegible]		[illegible]		[illegible]			172	
882-B	Office	[illegible]	[illegible]			[illegible]	[illegible]			[illegible]		[illegible]				[illegible]
882 total						[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		
Totals				1747	695	708,302	51,000	2,052,315	77,900	534,024	0.61	2,889,517	870,871	3.32	1348	434

- APPROVED
- PENDING
- FUTURE

CAPPER/CARROLLSBURG OVERALL PLAN

767	STAGE 1 APPROVED	STAGE 2 ANTICIPATED
USE	RESIDENTIAL APARTMENTS	RESIDENTIAL APARTMENTS
HEIGHT	65'	65
TOTAL UNITS	147	147
ACC UNITS	38	60
PARKING SPACES	147	132

739	STAGE 1 APPROVED	STAGE 2 ANTICIPATED
USE	RESIDENTIAL APARTMENTS	RESIDENTIAL APARTMENTS
HEIGHT	130'	130'
TOTAL UNITS	322	322
ACC UNITS	115	98
PARKING SPACES	322	290

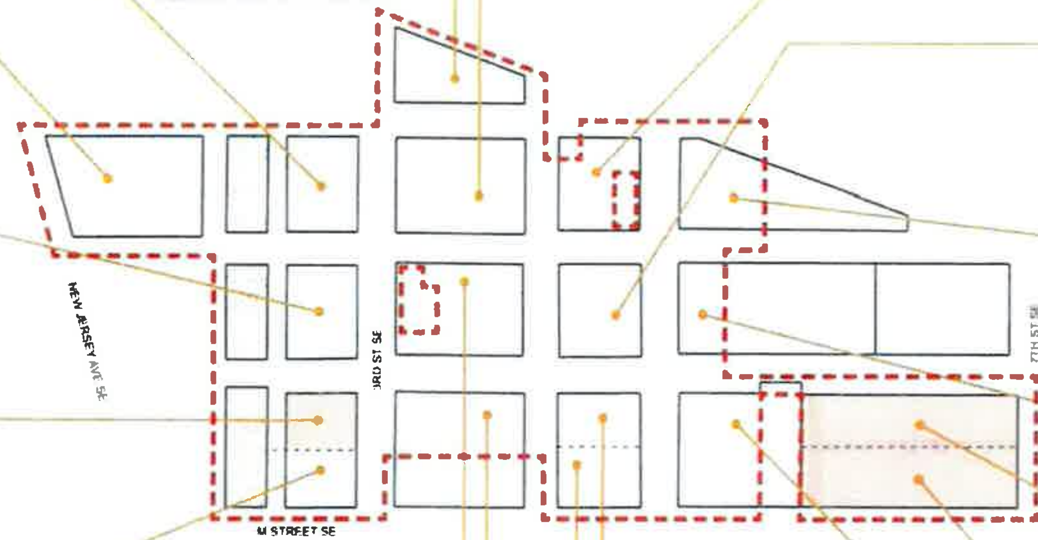
768	STAGE 1 APPROVED	STAGE 2 ANTICIPATED
USE	RESIDENTIAL APARTMENTS	RESIDENTIAL APARTMENTS
HEIGHT	110'	110'
TOTAL UNITS	298	295
ACC UNITS	101	73
PARKING SPACES	298	295

769-A	STAGE 1 APPROVED	STAGE 2 PROPOSED
USE	RESIDENTIAL APARTMENTS	RESIDENTIAL APARTMENTS
HEIGHT	110'	110'
UNITS	107	171
ACC UNITS	0	34
PARKING SPACES	107	152

769-B	STAGE 1 APPROVED	STAGE 2 APPROVED
USE	OFFICE	OFFICE
HEIGHT	110	130
PARKING SPACES	150	150

797 UNDER CONSTRUCTION	CONSOLIDATED PUD APPROVED
USE	RESIDENTIAL TOWNHOMES
HEIGHT	30-45
TOTAL UNITS	48
ACC UNITS	11
PARKING SPACES	45

798	CONSOLIDATED PUD APPROVED
USE	RESIDENTIAL TOWNHOMES
HEIGHT	30-45'
TOTAL UNITS	70
ACC UNITS	17
PARKING SPACES	43



799	STAGE 1 APPROVED	STAGE 2 APPROVED
USE	RESIDENTIAL TOWNHOMES	RESIDENTIAL TOWNHOMES
HEIGHT	30-45	30-45
TOTAL UNITS	45	47
ACC UNITS	9	9
PARKING SPACES	41	41

800	STAGE 1 APPROVED	STAGE 2 APPROVED
USE	RESIDENTIAL TOWNHOMES	RESIDENTIAL TOWNHOMES
HEIGHT	30-45'	30-45'
TOTAL UNITS	46	46
ACC UNITS	21	21
PARKING SPACES	28	28

S-825-A UNDER CONSTRUCTION	CONSOLIDATED PUD APPROVED
USE	RESIDENTIAL TOWNHOMES
HEIGHT	30-45
TOTAL UNITS	12
ACC UNITS	3
PARKING SPACES	15

S-825-B COMPLETED	CONSOLIDATED PUD APPROVED
USE	RESIDENTIAL APARTMENTS
HEIGHT	48-0 3/4"
TOTAL UNITS	138
ACC UNITS	138
PARKING SPACES	33

- - EXTENT OF PUD
- APPROVED
- PENDING
- FUTURE

824 UNDER CONSTRUCTION	CONSOLIDATED PUD APPROVED
USE	RESIDENTIAL TOWNHOMES
HEIGHT	30-45
TOTAL UNITS	42
ACC UNITS	11
PARKING SPACES	34

825 UNDER CONSTRUCTION	CONSOLIDATED PUD APPROVED
USE	RESIDENTIAL TOWNHOMES
HEIGHT	30-45
TOTAL UNITS	58
ACC UNITS	14
PARKING SPACES	49

880 COMPLETED	CONSOLIDATED PUD APPROVED
USE	RESIDENTIAL SENIOR APTS
HEIGHT	50
TOTAL UNITS	162
ACC UNITS	162
PARKING SPACES	27

881 WEST	STAGE 1 APPROVED	STAGE 2 ANTICIPATED
USE	COMMUNITY CENTER	COMMUNITY CENTER
HEIGHT	35	35

882-A	STAGE 1 APPROVED	STAGE 2 PROPOSED
USE	RESIDENTIAL TOWNHOMES	RESIDENTIAL APARTMENTS
HEIGHT	45	60
TOTAL UNITS	75	189
ACC UNITS	34	38
PARKING SPACES	49	172

882-B	STAGE 1 APPROVED	STAGE 2 PROPOSED
USE	OFFICE	OFFICE
HEIGHT	90	92
PARKING SPACES	400	284

N-853 (PART)	STAGE 2 ANTICIPATED
USE	SCHOOL