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Via Hand Delivery

October 23, 2018

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street NW
Suite No. 200S
Washington, D.C. 20001

Re: Request for Minor Modification of Planned Unit Development Case 03-12E/03-13E and Case 03-12O/03-13O

Dear Chairperson Hood:

On behalf of the District of Columbia Housing Authority (the "Authority"), we hereby request a minor modification to the Arthur Capper/Carrollsborg HOPE VI Planned Unit Development (the "PUD"). The PUD is comprised of the Property and parcels within Squares 737, 739, 769, 797, 798, 799, 800, 824, 825, 825S, N853, and 880 (collectively, the "Development"), and seeks redevelopment of the Arthur Capper/Carrollsborg complex into various mixed-income, mixed-use buildings that will include 1,650 residential units (707 of which are replacement public housing units), 732,000 square feet of commercial space, and other public improvements (the Zoning Commission Order establishing the PUD is attached hereto as Exhibit A and a map showing the properties within the PUD is attached as hereto as Exhibit B). The Authority currently owns and operates three temporary parking lots within the PUD, which are located on Square 767, Lots 44-47, Square 768, Lots 19-22, and Square 882S, Lot 77 (collectively, the "Property"), and the purpose of the minor modification is to permit the continued use of the Property for temporary surface parking for the Nationals Ballpark and for local workers until April 1, 2023.

The Zoning Commission previously approved, in Case No. 07-08, amendments to the 1958 Zoning Regulations to permit temporary surface parking lots in portions of the Development (the "Amendment") (a map showing the properties affected by the Amendment is attached hereto as Exhibit C, and a copy of Zoning Commission Order 07-08 is attached hereto as Exhibit D). In doing so, the Zoning Commission capped the total number of matter of right parking spaces in the temporary lots at 3,755; established access, surface treatment, landscaping, and lighting requirements for the temporary lots; and applied an expiration date of April 1, 2013 for all certificates of occupancy issued for each temporary lot (see 1958 Zoning Regulations, at §§ 601.1, 602.1, 901.1, 902.1, and 2110.1 – 2110.5). The Zoning Commission later, in Case No. 07-08A, expanded the scope of the Amendment to include additional land in the Development and impose car/ride-share requirements, and in Case No. 07-08B, extended the expiration date for certificates of occupancy for the temporary lots for a period of five (5) years, to April 1, 2018 (a copy of

Zoning Commission Order 07-08A is attached hereto as Exhibit E and a copy of Zoning Commission Order and 07-08B is attached hereto as Exhibit F).

The Property is flat and paved, and is within convenient and easy walking distance to the Nationals Ballpark. The PUD provides for Square 882, Lot 77 to be improved by office buildings and for Squares 767 and 768 to be improved by mixed-use buildings containing residential and other uses. However, for several years the Property has been utilized for parking. This parking use, although not originally contemplated in the PUD, was permitted by amendment of the PUD in Case No. 03-12E/03-13E, until April 1, 2013 (a copy of Zoning Commission Order No. 03-12E/03-13E is attached hereto as Exhibit G). Prior to April 1, 2013, the PUD was further amended, in Case No. 03-12O/03-13O, to extend the use permission for temporary parking to April 1, 2018 (a copy of Zoning Commission Order No. 03-12O/03-13O is attached hereto as Exhibit H).

Presently, 818 units have been constructed on 10 of the 16 parcels within the PUD, and of the 818 units completed, over fifty percent (50%) are public housing units for the former residents of the Arthur Capper/Carrollsborg complex. This includes land previously utilized for temporary surface parking at Square 882N, Lot 78, which is now improved with a low-rise residential apartment complex known as The Bixby that includes 39 public housing units, 156 market rate units, and a 162 space parking garage that is partially below grade. Construction is also ongoing within Square 769N, which will be improved by another residential building containing 143 market rate units and 36 public housing units that is estimated to deliver during the first quarter of 2019. In addition, those parcels for which development has not yet occurred consist of Squares 739, 767, 768, 769S, and 882S, Lot 77. However, the groundbreaking for development of Square 767 is expected to occur in December of 2019 and the expectation is that this Square will be improved by a low-rise 55-unit rental building and an 8-story 116-unit condominium building, each of which will share underground parking (a diagram showing the status of development on the properties owned by the Applicant is attached hereto as Exhibit I).

Unfortunately, subsequent to approval of the PUD, there were various complications that rendered financing of the development of the Property very difficult. For example, the Property lost the designation as a *Difficult Development Area* for the purposes of Low Income Housing Tax Credit Investment (“LIHTC”), which eliminated a thirty percent (30%) equity boost previously available to incentivize investment in the Property.

DCHA is committed to completion of development of the remaining parcels, which will require further planning studies to determine the highest and best use of the parcels in light of the current pace of development and current market conditions. In the interim, use of the Property as temporary surface parking has benefitted the neighborhood by providing sorely needed parking for those attending baseball games or events at the Capital Riverfront, and by providing parking for the local workforce. Operation of the Property for temporary surface parking also generates revenue to DCHA that can be utilized to further its affordable housing objectives.

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With respect to the Comprehensive Plan, the Property is located within a Land Use Change Area under the current Generalized Policy Map, and within the Near Southeast Area of the Lower Anacostia Waterfront/Near Southwest Area Element. The Future Land Use Map designates Squares 767 and 768 for high density residential and commercial use, while Square 882 is designated for medium density commercial use. The proposed uses for the Property under the PUD (in Zoning Commission Case No. 03-12/03-13) and the temporary use of the Property for surface parking (in Zoning Commission Case No. 03-12E/03-13E) have already been determined not to be inconsistent with the Comprehensive Plan, and a five (5) year extension of the use of the Property for surface parking will not affect any of the project benefits and amenities.

For the foregoing reasons, the Authority has filed a Petition for a Text Amendment, which has been assigned Case No. 07-08C, to amend the 2016 Zoning Regulations to allow the Property to continue to be utilized for temporary surface parking until April 1, 2023. *See* Zoning Commission Case No. 07-08C (the "Petition"). In conjunction with the Petition, the Authority hereby seeks a corresponding modification of the PUD to permit the Property to be utilized for temporary surface parking until April 1, 2023, and that this request be processed simultaneously with or held in abeyance until such time as the Petition is granted. The Authority has conferred with the Office of Planning which has not indicated any objection to the Petition or this request.

The modification sought by the Authority constitutes a minor modification under Subtitle Z, § 703.2 as it does not change the material facts upon which the Commission based its original approval of the PUD. Indeed, this request does not involve any new construction, is consistent with the existing PUD conditions, will be consistent with the Petition (if granted), and is temporary in duration. Moreover, all prior modifications to permit and extend permissions for use of the Property for temporary surface parking were approved as minor modifications. As such, the Authority further requests that this matter be placed on the Commission's consent calendar.

We thank you for your time and consideration in reviewing this request.

Very truly yours,



Emily J. Vaias

Attachments

cc: Joel Lawson, Office of Planning
ANC 6D
Kerry Smyser, DCHA