

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director, Development Review/Historic Preservation  
**DATE:** November 9, 2018  
**SUBJECT:** **ZC Case 03-12W/03-13W - Office of Planning Report on a Request for Minor Modification to Zoning Commission Order 03-12/03-13E for Temporary Surface Parking Lots on Squares 767, 768, 769 and 882 in the Approved Capper-Carrollsborg Hope 6 PUD**

**I. PROJECT AND REQUESTED MODIFICATION**

Applicant:	District of Columbia Housing Authority (DCHA)
Project:	Capper/Carrollsborg Hope VI PUD
Address:	Squares 767 Lots 44-47, 768 Lots 19-22, and 882, Lot 77 in Near Southeast Washington, DC
Ward / ANC	Ward 6, ANC 6D
Summary of Modification Request:	The applicant requests the following be considered a minor modification and approved: that the expiration date for the operation of temporary parking lots on the above-noted Squares (as shown on the enclosed map be extended from April 1, 2018 to April 1, 2023.
<b>OP Recommendation</b>	<ul style="list-style-type: none"> <li>• Consider as Modification of Consequence</li> <li>• Request Clarification / Correction on Square names and lot numbers in Squares 882 and 768.<sup>1</sup></li> <li>• Subject to the submission of the clarifications / corrections requested above, <b>the Office of Planning (OP) recommends the Zoning Commission approve the requested modification</b> to Condition 30 of Order No. 03-12/-3-13 to replace the date “April 1, 2018” with the date “April 1, 2023”. Approval would be consistent with Case 07-08C (Ballpark associated parking) which is currently before the Commission.</li> </ul>

<sup>1</sup> Square 769: Because lots 19 and 21 do not existing in official property records for Square 768, the applicant should clarify the lots to which the extension should apply. Square 882: Property records list only one Square 882, without distinctions between the north and south parts. The northern part of the Square has already been developed. The applicant should clarify the correct labelling for the southern half of the Square.

## II. BACKGROUND

Subtitle Z § 703 provides for Zoning Commission consideration of a modification of consequence to an approved Planned Unit Development (PUD) as follows:

**703 CONSENT CALENDAR – MINOR MODIFICATION, MODIFICATION OF CONSEQUENCE, AND TECHNICAL CORRECTIONS TO ORDERS AND PLANS**

- 703.3 For the purposes of this section, the term “**modification of consequence**” shall mean a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance
- 703.4 Examples of **modification of consequence** include, but are not limited to, a proposed **change to a condition** in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.

A “modification of consequence” requires the establishment of a timeframe for the parties in the original proceeding to file comments on the request and the scheduling of a date for Commission deliberations, while a more substantive “modification of significance” requires the holding of a public hearing, in accordance with Subtitle Z § 704.

If the Commission determines that the request is a modification of consequence, the following language would incorporate the applicant’s request. Additions are underlined and deletions are ~~struck through~~.

Order 03-12/03-13, Condition 30.

*Notwithstanding anything to the contrary contained herein, Square 767, Lots 44-47, Square 768, Lots 19-22; and Square 882 may be used as a temporary surface parking lot accessory to the Ballpark as permitted by 11 DCMR § 601.1(dd) and in accordance with 11 DCMR § 2110 of the Zoning Regulations through and until April 1, ~~2013~~ 2023<sup>2</sup>.*

This modification request has been filed concurrently with Petition 07-08C for a text amendment to extend to April 1, 2023 permission to use these same properties for temporary surface parking under the provisions of 11DCMR Subtitle C § 718, Temporary Surface Parking Lots for Ballpark. The requested extensions are dependent on the Commission’s approving both the text amendment petition (07-08C) and the PUD modification of consequence (03-12W/03-13W). This process is similar to how the Commission considered previous extension requests for the zoning text and the PUD Condition.

## III. ANALYSIS

In Order 03-12/03-13, the Zoning Commission approved a PUD to foster the redevelopment of 16 parcels on 10 property Squares in near southeast Washington. Case Exhibit 3I illustrates the PUD’s boundaries, the existing and intended program for the PUD on each of its Squares, and

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<sup>2</sup> Reference to sections in 11 DCMR are to the 1958 Zoning Regulations under which the PUD was approved.

the current status of the development. The PUD is now at 50% completion, with a 179-unit apartment building scheduled for completion by the end of March 2019 and permit drawings being completed for 161 residential units in Square 767 -- one of the Squares for which an extension of the temporary surface parking unit permission is being sought in this case.

In Case Exhibit 3 the applicant described ongoing efforts to complete the PUD despite market, financing and federal program change challenges. OP has worked closely with DCHA since 2003 to enable the flexibility needed to respond to changing circumstances while ensuring that the project's original objectives continue to be met. Extending the permission to use these parcels temporarily for surface parking would be consistent with the Commission's previous actions and would not constitute a substantive change to the PUD Order or the PUD's future development. As such, OP has no objection to the requested extensions being considered and approved as a modification of consequence.

#### IV. OTHER DISTRICT AGENCY REPORTS, AND COMMUNITY COMMENTS

The applicant has circulated the application to the Office of Planning and to ANC 6D.

There were no comments from other agencies, the ANC or community groups in the case file at the time OP completed this report.

Jls/slc  
Stephen Cochran, project manager

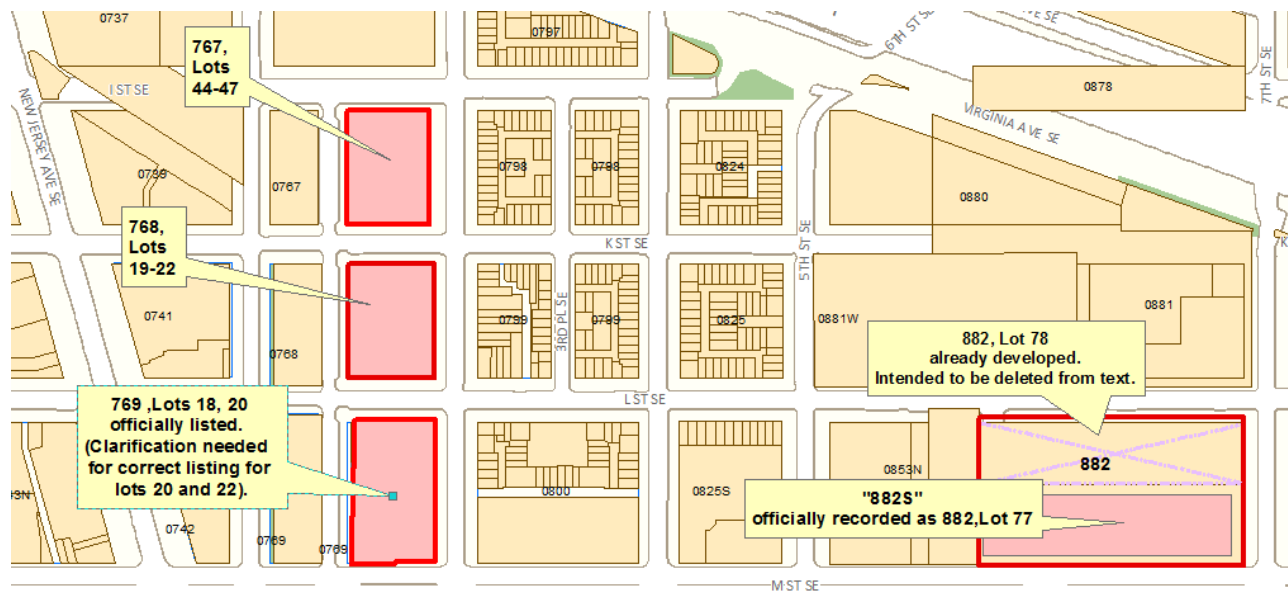


Figure 1. Squares for Which Modification of PUD Order is Being Requested.