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December 31, 2013

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Modification of Z.C. Order No. 03-12/03-13 and Z.C. Order No. 03-12H/03-13H (Squares 739, 767, and 768).

Dear Members of the Zoning Commission:

Capper Carrollsburg Venture, LLC, and the District of Columbia Housing Authority ("DCHA") (collectively, the "Applicant") hereby request that the Zoning Commission approve a modification to the first-stage planned unit development ("PUD") and zoning map amendment approved for Squares 739, 767, 768, and a portion of Square 737 (the "Subject Property") pursuant to Zoning Commission Order No. 03-12/03-13. That order became final and effective on October 8, 2004, as modified by Zoning Commission Order No. 03-12H/03-13H (the "Order"). Enclosed herewith, please find:

- A completed PUD modification application Form 105;
- Mailing labels for the owners of property within 200 feet of the Subject Property; and
- A check in the amount of \$520.00 made payable to the D.C. Treasurer for the filing fee.

I. Background

On March 21, 2003, the Applicant filed an application with the Zoning Commission for preliminary and consolidated approval of two PUDs that together comprise one large PUD and related map amendment for property located in the Southeast quadrant of Washington, D.C. and generally bounded by 2nd Street on the west, 7th Street on the east, Virginia Avenue on the north, and M Street on the south. Consisting of approximately 33 acres of land area, the PUD site initially proposed included all property in Squares 739, 767, 768, 769, 797, 798, 800, 825, 825S, and 882 and property on portions of Squares 737, 799, 824, and 880.

Pursuant to Zoning Commission Order No. 03-12/03-13, effective October 8, 2004, the Zoning Commission granted approval for preliminary and consolidated review of the PUD and related map amendment from the R-5-B District to the CR District. The approved PUD included approximately 1,650 residential units, including 707 public housing replacement units, and approximately 732,000 square feet of commercial space, of which approximately 30,000 square feet would be devoted to first-floor retail uses and the balance would be office space. Approximately 21,000 square feet of additional neighborhood retail space was located in high-rise residential buildings along 2nd Street. The approved PUD site had an aggregate density of approximately 2.21 floor area ratio ("FAR").

On September 18, 2008, the Applicant submitted an application to the Zoning Commission to modify conditions of the first-stage approval related to remaining portions of the overall PUD to be developed in Squares 739, 767, 768, and 825S (Case No. 03-12H/03-13H). The Applicant sought modifications to increase the overall maximum number of residential units to 1,747 units; to increase the overall maximum office gross floor area to 708,302 square feet (thereby increasing the overall commercial gross floor area to 759,302 square feet); to increase the overall maximum residential density to 2.36 FAR; to increase the overall maximum permitted office and retail density to 0.87 FAR across the project as a whole; and to decrease the overall number of parking spaces to 1,780 off-street parking spaces. On August 14, 2009, the Zoning Commission issued Z.C. Order No. 03-12H/03-13H approving the modifications to the original Order for Squares 739, 767, 768, and 825S.

Specifically, for Square 739, the Zoning Commission approved development of a 6 to 13-story residential apartment building, having a height of 65-130 feet, 322 residential units with 98 Annual Contributions Contract ("ACC") rental units, 420,763 square feet devoted to residential use, and 9,250 square feet devoted to retail use. The Order approved a density of 6.08 FAR for the Square and a lot occupancy of 73 percent. See Z.C. Order No. 03-12H/03-13H, attached hereto as Exhibit A, and the approved site plan development data, attached hereto as Exhibit B. For Square 767, the Zoning Commission approved development of a 6-story residential apartment building, having a height of 65 feet, 147 residential units with 66 ACC rental units, 176,210 square feet devoted to residential use, and 6,000 square feet devoted to retail use. The Order approved a density of 4.58 FAR for the Square and a lot occupancy of 76 percent. *Id.* For Square 768, the Zoning Commission approved development of an 11-story residential apartment building, having a height of 110 feet, 295 residential units with 73 ACC rental units, 388,052 square feet devoted to residential use, and 6,000 square feet devoted to retail use. The Order approved a density of 9.90 FAR for the Square and a lot occupancy of 76 percent. *Id.*

II. Modification Requested

The Applicant seeks a modification to change the conditions of the first-stage approval related to the overall PUD to be developed in Squares 739, 767, and 768. Specifically, the Applicant seeks to reallocate the location and distribution of the required public housing units to provide 99 ACC units in Square 739; 48 ACC units in Square 767; 59 ACC units in Square 768; and 30 ACC units on Lot 77 in Square 737. As indicated in the authorization letter attached hereto as Exhibit C, Lot 77 in Square 737 is not part of or subject to the approved PUD. However, in coordination with DCHA, the owner of Lot 77 in Square 737 (Square 737, LLC) has agreed to the placement of the 30 ACC units on its property, as indicated in the Declaration of Affordability Covenants, attached hereto as Exhibit D.

A spreadsheet showing the proposed location and distribution of the public housing units is attached hereto as Exhibit E. As indicated in the chart below, the proposed modifications will result in the following changes:

Square	Approved Number of ACC Units	Proposed Number of ACC Units
737	Not in PUD	30
739	98	99
767	66	48
768	73	59
Total	237	236

The requested modification will maintain the approved total number of 707 public housing units for the overall development. Instead of providing 695 ACC units on the Subject Property and 12 ACC units off-site, as approved in Order No. 03-12/03-13, the modified development will provide 665 ACC units on the Subject Property and 42 ACC units on off-site locations.

The requested modification does not change any of the zoning parameters for the approved PUD (e.g., use, height, FAR, parking, building design). The Applicant believes that the requested modification is consistent with the District's goals of expanding the supply of public housing. Furthermore, reallocating the location of the required public housing units to a site outside of the approved PUD is consistent with Z.C. Order 09-05A, and the public housing units will remain a legitimate public off-site benefit of the PUD. The 30 units will be constructed on Phase 2 and 3 of the redevelopment project that is currently underway. There will be 15 units on Phase 2 and 15 units on Phase 3. Moreover, Square 737 is in the South Capitol TDR Receiving Zone, and therefore has no affordable housing requirements under the Inclusionary Zoning requirements of the Zoning Regulations.

The PUD, as modified, will continue to meet the minimum area requirement under Section 2401.1(c) of the Zoning Regulations, and the height and FAR provisions of Section 2405.1 and 2405.2. None of the proposed changes to the PUD impact the Zoning Commission's prior findings that the project will increase residential land uses in the area, provide housing for

residents of all incomes and household types, and distribute mixed income housing equitably across the city, avoiding further concentrations of poverty within areas of the city that already have substantial affordable housing.

Accordingly, the Applicant respectfully requests that the Zoning Commission approve the proposed modification as described in this letter, and revise Condition No. 6 of Order No. 03-12/03-13, as modified by Order No. 03-12D/03-13D to read as follows:

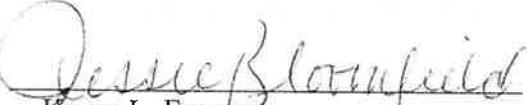
A minimum of 695 of the residential units shall be devoted to public housing, including 162 units in Senior Building 1 devoted exclusively to senior public housing units and the building constructed in the northern portion of Square 825S devoted to both senior housing, and workforce public housing units 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. **A total of 236 public housing units shall be located within the approved PUD in Squares 739, 767, and 768. Specifically, Square 739 will have 99 public housing units, Square 767 will have 48 public housing units, and Square 768 will have 59 public housing units. In addition, 30 public housing units will be located outside of the PUD area in Square 737, Lot 77.**

The Applicant respectfully requests that the Zoning Commission schedule a public hearing for the next available hearing date. Thank you for your consideration of this matter.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:


Kyrus L. Freeman

Jessica R. Bloomfield*

Attachments

cc: D.C. Office of Planning (via hand delivery)
Advisory Neighborhood Commission 6D (via U.S. Mail)
Advisory Neighborhood Commission 6D (via U.S. Mail)

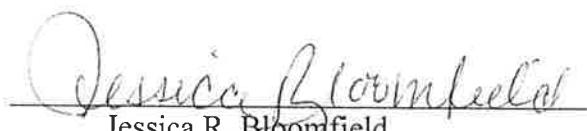
*Admitted to practice in Pennsylvania. Practicing in the District of Columbia pursuant to D.C. Court of Appeals Rule 49(c)(8).

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2013, a copy of the foregoing Applicant's Request for Extension of Time was served by first class mail on the following at the address stated below:

Advisory Neighborhood Commission 6B
921 Pennsylvania Ave., S.E., Suite 305
Washington, DC 20003

Advisory Neighborhood Commission 6D
PO Box 71156
Washington, DC 20024


Jessica R. Bloomfield