

# STAFF RECOMMENDATION

Hart

NCPC File No. ZC 03-12G,H/03-13 G,H

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## MODIFICATIONS TO SECOND STAGE PLANNED UNIT DEVELOPMENT CAPPER/CARROLLSBURG HOPE VI REDEVELOPMENT PROJECT FOR SQUARES 882 AND 769

Southwest  
Washington, DC

Referred by the Zoning Commission of the District of Columbia

May 28, 2009

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### Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to approve modifications to a second stage Planned Unit Development for a ten-story residential building on L Street, SE, a five story residential building on L Street and a eight-story commercial building on M Street located in southeast Washington, D.C. on Squares 882 and 769. These modifications are to allow greater height for the buildings on Square 882 and greater density for the building proposed for Square 769.

### Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

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### Executive Director's Recommendation

The Commission:

**Advises** the Zoning Commission that the modifications to the proposed second stage Consolidated Planned Unit Development for Squares 882 and 769 may have an adverse affect on the safety and security of military personnel at the Navy Yard and the Marine Corps Barracks, as identified in letters to the Zoning Commission from the Department of the Navy and United States Marine Corps dated April 1, 2009 and April 3, 2009, respectively.

**Recommends** that the Zoning Commission allow additional time before taking final action on this case to allow the Navy, Marine Corps and the developer to continue meeting in order to finalize the agreement mitigating the adverse impacts to the Navy Yard and the Marine Corps Barracks identified in the letters.

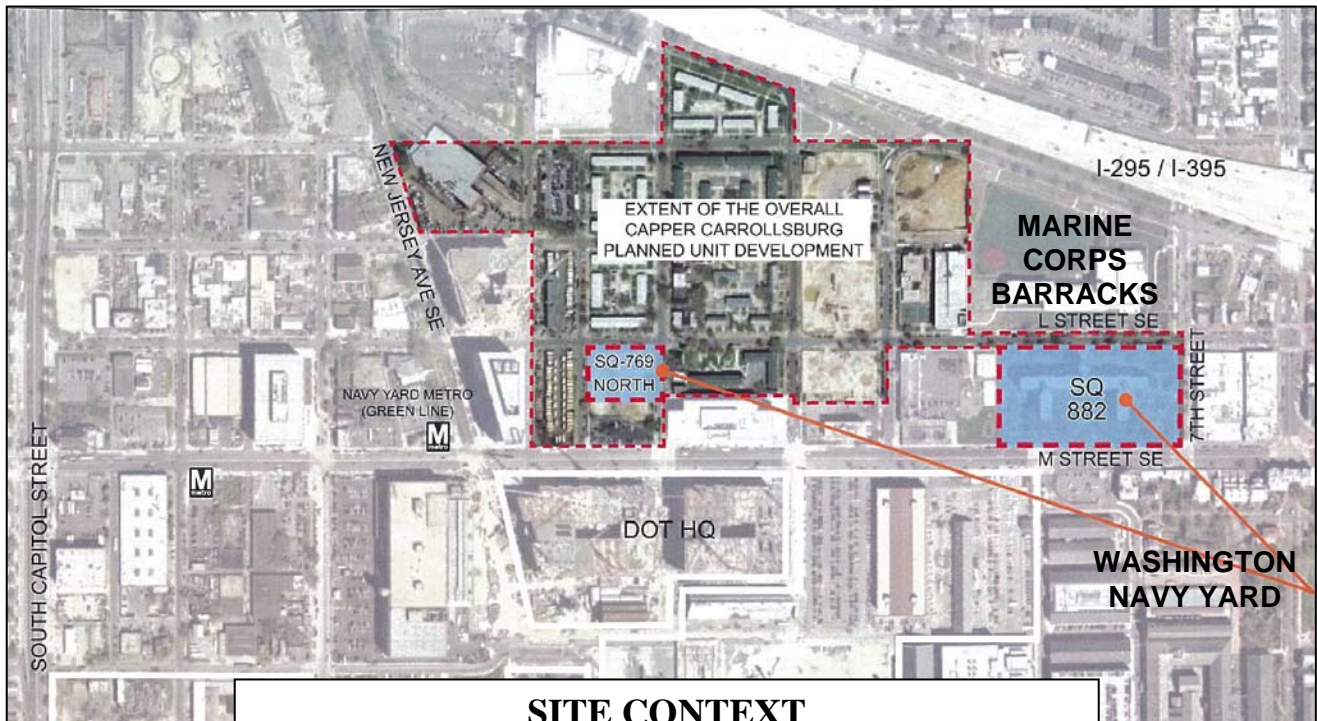
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**PROJECT DESCRIPTION**

Site

The proposed projects are part of the larger Capper/Carrollsborg Redevelopment project, a 33 acre area located in Southeast just north of M Street between 2nd Street, SE and 7th Street, SE. The current proposal is a modification to a second stage PUD to accommodate an increase in the height and density on Squares 769 and 882.

Square 769, shown below, is adjacent to Reservation 17 D, the southern most portion of the future Canal Park. Square 882, also identified below, is across L Street, SE from the Marine Corps Barracks and approximately a block down M Street, SE from the Latrobe Gate, the historic main entrance to the Washington Navy Yard.



**SITE CONTEXT**  
**CAPPER/CARROLLSBURG DEVELOPMENT**

## Background

In January 2004, NCPC approved an action for a First Stage Planned Unit Development (PUD) for the entire 33-acre Capper/Carrollsborg Hope VI Redevelopment Project stating that the PUD would not adversely affect the identified federal interest and is consistent with the Federal Elements of the Comprehensive Plan for the National Capital. This redevelopment project is being proposed by the Capper/Carrollsborg Venture LLC in conjunction with the District of Columbia Housing Authority.

The Zoning Commission voted to approve the first stage PUD application in October 2004.

## Proposal

As mentioned previously, this proposal includes the development of two sites in the Capper/Carrollsborg Hope VI Redevelopment Project, Squares 769 and 882. The proposed development for Square 769 is a ten-story residential building, while Square 882 includes two components: one five-story residential building and one eight-story commercial building.

### *Square 769*

This 10-story, 171-unit residential building will be located on L Street, SE between 2<sup>nd</sup> Place and 3<sup>rd</sup> Street, SE. L Street, is a 90 foot right of way and the building is proposed at 110 feet in height. This proposal includes approximately 177,000 square feet of residential gross floor area and approximately 4,000 square feet of ground-floor retail. This development also includes a courtyard area, an amenity accessible from the second floor.

This building was originally approved by the Zoning Commission, in 2004, under the first stage PUD for 107 units. The increase in units is being requested

by the developer, because it states it needs "...to provide additional leverage and funding support for the 695 affordable units in the project." Further they state this is necessary given an increase in the construction costs since the project was first approved in 2004. Finally, the affordable housing component of this building is approximately 20% of the 171 units for persons/families earning less than 60% of the area median income.

### *Square 882*

This Square is located between L and M Streets, SE west of 7<sup>th</sup> Street, SE. This 158,214 square foot site is separated into two components: a commercial building on the southern portion of the Square and a residential building on the northern portion. The commercial building will be 92



feet in height and the residential building will be 60 feet in height. As part of the first stage PUD development, these sites were approved for 90 and 45 feet, respectively.

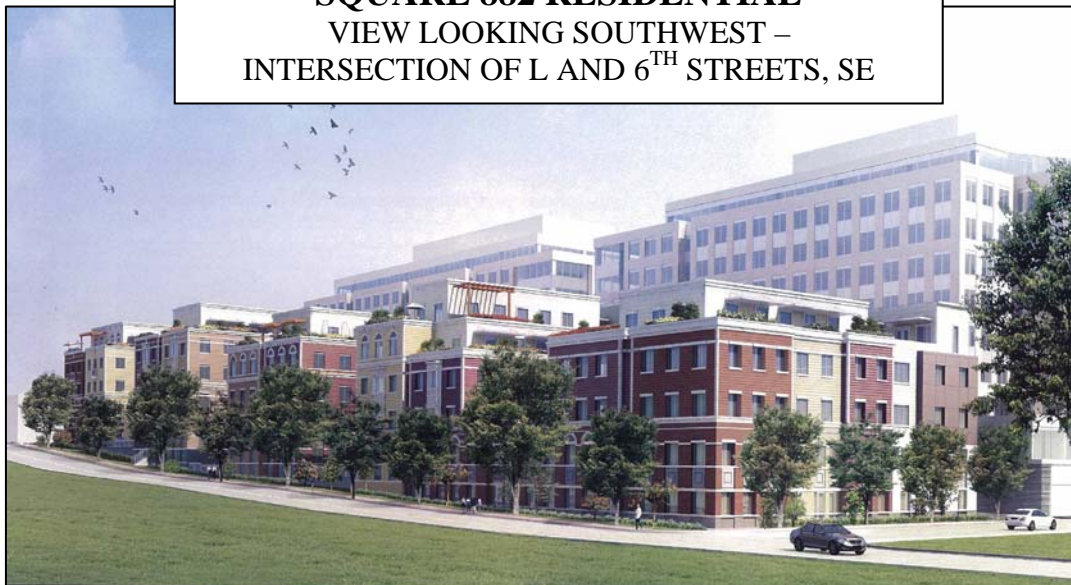
The commercial building on Square 882 will consist of 499,780 square feet of office space and approximately 15,000 square feet of retail. This building will front on M Street, SE. In addition, 284 underground parking spaces will be provided as part of this development.

**SQUARE 882 COMMERCIAL**  
 VIEW LOOKING NORTHEAST –  
 INTERSECTION OF M AND 6<sup>TH</sup> STREETS, SE



The residential component of Square 882 consists of 189 units of housing and some underground parking. There is an affordable housing component to this development with 20% of the housing for persons/families earning less than 60% of the area median income. This development will be 60 feet in height and the building mass steps down from 7<sup>th</sup> Street, SE to 6<sup>th</sup> Street, SE as it follows the natural topography of the site. Units on the lower floors will be one story, while two story, loft apartments are included in the on the top levels. These loft units will also include private roof terraces.

**SQUARE 882 RESIDENTIAL**  
 VIEW LOOKING SOUTHWEST –  
 INTERSECTION OF L AND 6<sup>TH</sup> STREETS, SE



PROJECT ANALYSIS

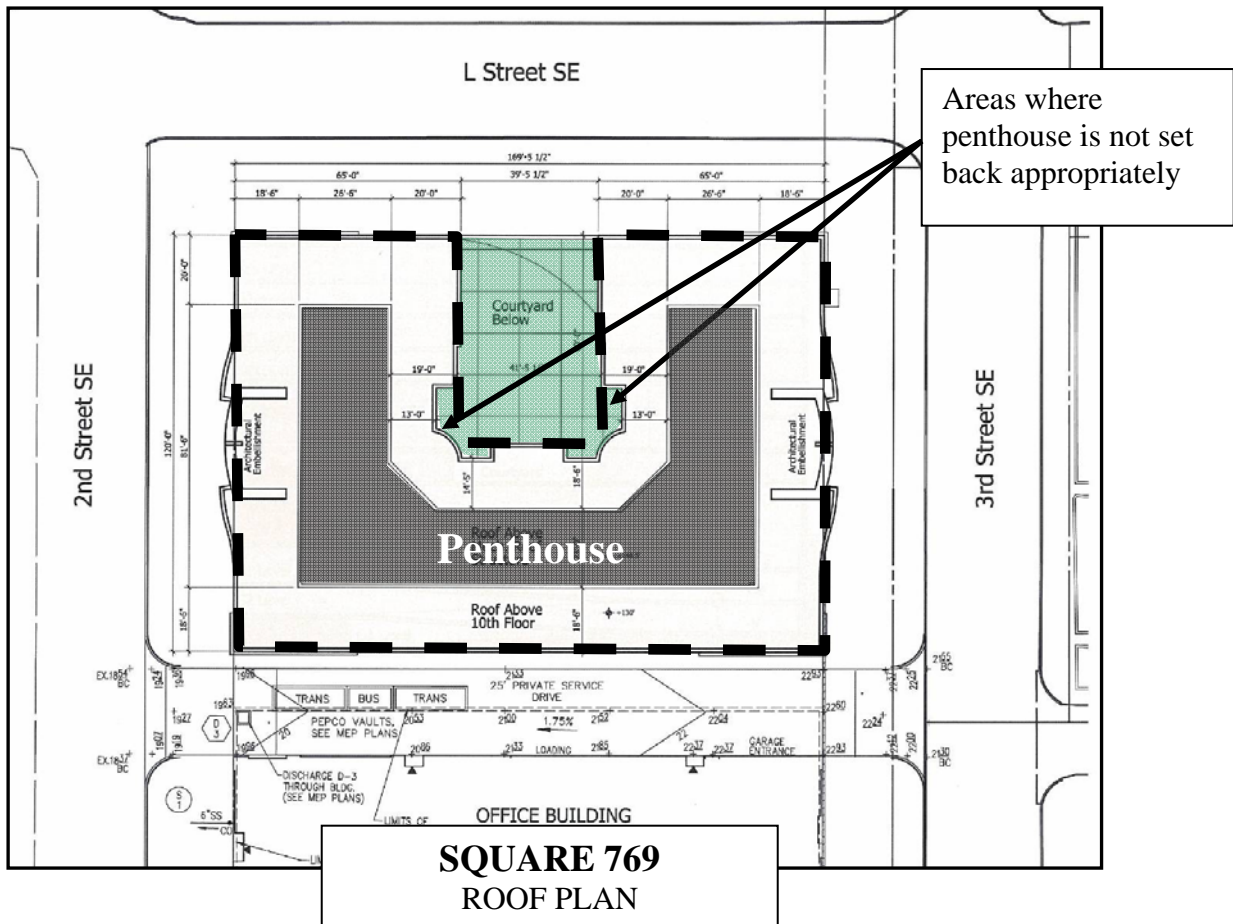
Executive Summary

Staff has identified two federal interests with regard to this proposed development. The first is conformance of the proposed development on Square 769 to the provisions of the Height Act. The second federal interest is the Department of the Navy and United States Marine Corps have both submitted letters (see attached) raising concerns posed by the proposed development on Square 882. These letters state that the proposed buildings may pose a safety and security threat to the military personnel at both the Navy Yard and the Marine Barracks and that there will be a visual impact on the Navy Yard Historic District.

**Square 769**

The penthouse on the proposed residential building on this Square is set back properly from exterior walls facing streets, but is not set back from all portions of exterior walls as required by the Height Act. This is illustrated in the roof plan below which identifies the back corners of the walls of the second floor courtyard where the set back is not adequate.

While this design is not in accordance with the provisions of the Height Act, in this instance staff is not recommending that the Commission comment unfavorably because the portions of the penthouse that are not properly set back will not be visible from the street or other publicly accessible location, and the courtyard itself is not public, being accessible only from the building's second floor.



*Square 882*

The Department of the Navy and the United States Marine Corps submitted letters to the Zoning Commission concerning the development of Square 882 and its impact on the Navy Yard Historic District as well as security concerns for personnel at two nearby sites, the Navy Yard and the Marine Corps Barracks. The Navy and the Marine Corps have been meeting over the past month with the District of Columbia Housing Authority (DCHA), and the developer to determine if they can come to an agreement on the issues raised in the letters.

In summary, the Navy raised two main issues concerning the height of the commercial building on M Street, SE. First, that the height would compromise the integrity of the nearby Navy Yard Historic District and second, the safety and security of personnel at the Navy Yard could be compromised by providing direct line of sight in to the site. The Marines raised a similar concern about the height of the buildings compromising the safety and security of the barracks across L Street, SE.

The District of Columbia State Historic Preservation Officer (DC SHPO) reviewed the first stage PUD project and in February 2003 found that “the redevelopment of Arthur Capper/Carrollsborg and its environs will have no adverse effect on historic resources.” At that time, the proposed office building in Square 882 along M Street was listed at 110 feet in height. This height was lowered before the first stage PUD was submitted so the Commission actually approved a height of 90 feet in January 2004 for the first stage PUD. While the current proposal is for a building 92 feet in height, staff concurs with the DC SHPO assessment from February 2003 that there would be no adverse effect on historic properties. In addition, since M Street is a 90 foot right of way, under the provisions of the Height Act a building 110 feet in height would be allowed.

With regard to security concerns over building height raised by the Navy and Marine Corps, staff has been in consultation with all of the interested parties over the past two weeks and is pleased with the work and tentative agreements reached so far on these issues. Since the exact language has not been determined, only the general areas of agreement will be discussed. The following items are to be included in the tentative agreement:

- Surveillance cameras on roof of the proposed building(s)
- Procedures will be established for notifying Navy and Marines about rooftop access
- Review of tenant occupancy of the office building
- Window design to enhance security for Navy and Marines

The Navy has requested surveillance cameras on the roof of the proposed building(s) to ensure that they are able to identify any threats on the roof at all times. Since the developer has stated that there may be a roof deck on the commercial building, the Navy has requested that they be notified when there are any events or access has been granted to use the roof. The Navy and Marines have also asked that they be given the opportunity to review the list of tenants for the commercial building. It is likely that the reviewed list of tenants would only include those leasing space between the third and eighth floors. Finally, the Navy and Marines would request that the windows facing their sites not be operational.

It is anticipated that a Memorandum of Understanding between the Navy and the DCHA and another between the Navy and DCHA can be achieved within the next few weeks.

Therefore staff recommends that the Commission **advise the Zoning Commission that the modifications to the proposed second stage Consolidated Planned Unit Development for Squares 882 and 769 may have an adverse affect on the safety and security of military personnel at the Navy Yard and the Marine Corps Barracks, as identified in their letters to the Zoning Commission dated April 1, 2009 and April 3, 2009, respectively.** In addition, staff recommends that the Zoning Commission allow additional time before taking final action on this case to allow the Navy, Marine Corps and the developer to continue meeting in order to finalize the agreement mitigating the adverse impacts identified by the Navy and Marines in their letters.



**UNITED STATES MARINE CORPS**  
MARINE BARRACKS  
8th & I STREETS S. E.  
WASHINGTON, D. C. 20390-5000

2009 APR 15 AM 10:02

IN REPLY REFER TO:  
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CO  
3 Apr 09

District of Columbia Office of Zoning  
Attn: Sharon Schellin  
441 4th Street, N.W.,  
Suite 220-South  
Washington, D.C. 20001

Via: Assistant Deputy Commandant for Installation and Logistics  
(Facilities-LF)

Dear Ms. Schellin:

I request the record for Case No. 03-12-G/03-13G for properties located in Squares No. 769 and 882, Capper/Carrollsborg Venture LLC and the D.C. Housing Authority be reopened so that the following comments can be included.

As a commander of a military installation, I have serious concerns regarding the proposal for the northern portion of Square 882. Current zoning limits the height of buildings to 45 feet. The proposal allows building heights to be increased to 60 feet. The increase will have long-term, irreversible, and potentially negative consequences affecting the ability of the Marine Corps to maintain appropriate anti-terrorism and force protection for Marine Barracks Washington; specifically, the barracks facilities located across the street from the site.

Additionally, I am concerned about the proposal relative to the southern portion of Square 882. As proposed, the rezoning would allow buildings on the southern half of the parcel to be increased from a height of 50 feet to a height of 92 feet. The height increase also potentially degrades our ability to ensure the safety and security of personnel living and working at Marine Barracks Washington.

Marine Barracks Washington has a long record of working with the District of Columbia to find mutually beneficial solutions to our shared land use concerns. I believe we can work together to resolve the issues presented by the rezoning of Square 882. Please confirm that the Zoning Commission will accept these comments into the public record for the zoning action. Please contact Major Peter Dahl at (202) 433-6269 or peter.dahl@usmc.mil if you have questions regarding these comments. I look forward to working with you to resolve this matter.

*A. H. Smith*  
A. H. SMITH

ZONING COMMISSION  
District  
CASE NO. 03-12/03-13  
EXHIBIT NO. 98  
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**DEPARTMENT OF THE NAVY**  
NAVAL SUPPORT ACTIVITY WASHINGTON  
1411 PARSONS AVENUE SE STE. 303  
WASHINGTON NAVY YARD DC 20374-5003

11010  
Ser N00/165  
1 Apr 09

Ms. Sharon S. Schellen  
Chair, District of Columbia Zoning Commission  
441 4th Street NW  
Suite 210 South  
Washington, DC 20001

Dear Ms. Schellen:

SUBJECT: PUBLIC HEARING FOR CASE # 03-12G & 03-13G, CONCERNING  
SQUARE 882, LOCATED ALONG M STREET SE AT 6<sup>TH</sup> STREET

Naval Support Activity Washington has some significant concerns regarding the re-zoning of the areas indicated on the enclosed Zoning Map of M Street area from your website at <http://dcoz.dc.gov/services/zoning/commish.shtm>

We request that the record be reopened to accept filing of our comments to the public record in reference to zoning cases 03-12G and 03-13G. The current R-5-B zoning for the southern half of Square 882 limits the building height to a maximum height of fifty (50) feet. The District's conditional approval rezoning the southern portion of Square 882 to the CR zoning designation, by Zoning Commission Order Number 03-12G/03-13G, would allow a maximum height restriction of ninety (90) feet. The current application for the Second Stage Planned Unit Development (PUD) further requests an increase in height for the southern portion of Square 882 to a maximum height of ninety-two (92) feet. As proposed, the rezoning would allow buildings on the southern half of Square 882 be increased to a height of ninety-two (92) feet where presently the height is limited to fifty (50) feet. The Navy opposes the proposed height provisions of this amendment for the following two reasons:

1. Specific to the zoning issues before the commission, it is the Navy's concern the additional height could potentially compromise the integrity of the Washington Navy Yard (WNY) Historic District, including the Latrobe Gate. According to the Department of the Interior, new construction adjacent to historic properties should consider the location, size, scale, and design of the new construction in relationship to the historic building or buildings. Views from, as well as of, the

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historic property should also be taken into consideration for all new construction. The Navy believes that buildings exceeding the currently permitted fifty (50) foot height restrictions located across M Street from the Navy Yard Historic District will negatively impact the view shed from the Navy Yard. The WNY Historic District is listed in the National Register and is a designated National Historic Landmark and a locally designated DC Landmark. The WNY District extends south from M Street to the Anacostia River, and west from Parsons Avenue (9<sup>th</sup> Street) to Isaac Hull Avenue (6<sup>th</sup> Street). The L'Enfant Plan for the City of Washington, developed during the 17<sup>th</sup> Century, indicated that the Southeast quadrant of the city should be developed with industrial facilities, including a Navy Yard on the Anacostia River. In 1799, the WNY was officially established on the northern bank of the Anacostia River, in accordance with the L'Enfant Plan.

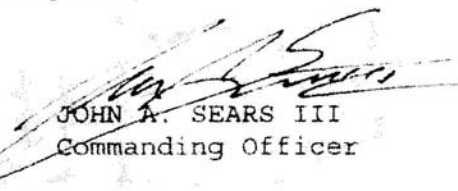
The Latrobe Gate is at the intersection of 8<sup>th</sup> Street and M Street in Southeast Washington. It is a Greek Revival structure which has been incorporated into the ground story of a three-story late-Victorian building. The gate was designed by Benjamin Latrobe, one of America's foremost early architects, in 1804 and was one of the first structures built at the WNY. It has been in continuous use as the principal entrance to the Yard since 1806. The Gate contributes significantly to the cultural heritage and visual beauty of the District of Columbia and was listed on the National Register of Historic Places in 1973.

2. The second issue is that buildings of additional height immediately adjacent to our perimeter could potentially increase the opportunity for compromises to the safety and security of personnel living and working in the WNY. We have safety and security concerns in any case where nearby buildings exceed the height of our historic perimeter wall, providing direct line of sight into the WNY. Direct line of sight into the WNY poses risks in several manners, including but not limited to, direct fire, observation and surveillance. Electronic monitoring using line-of-sight techniques poses risks to worldwide Naval operations.

We appreciate the opportunity to comment and request that the Zoning Commission confirm when our comments have been accepted into the public record. For any questions,

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1 Apr 09

please contact Mrs. Janell Herring at 202-433-0452 or  
through email janell.herring@navy.mil

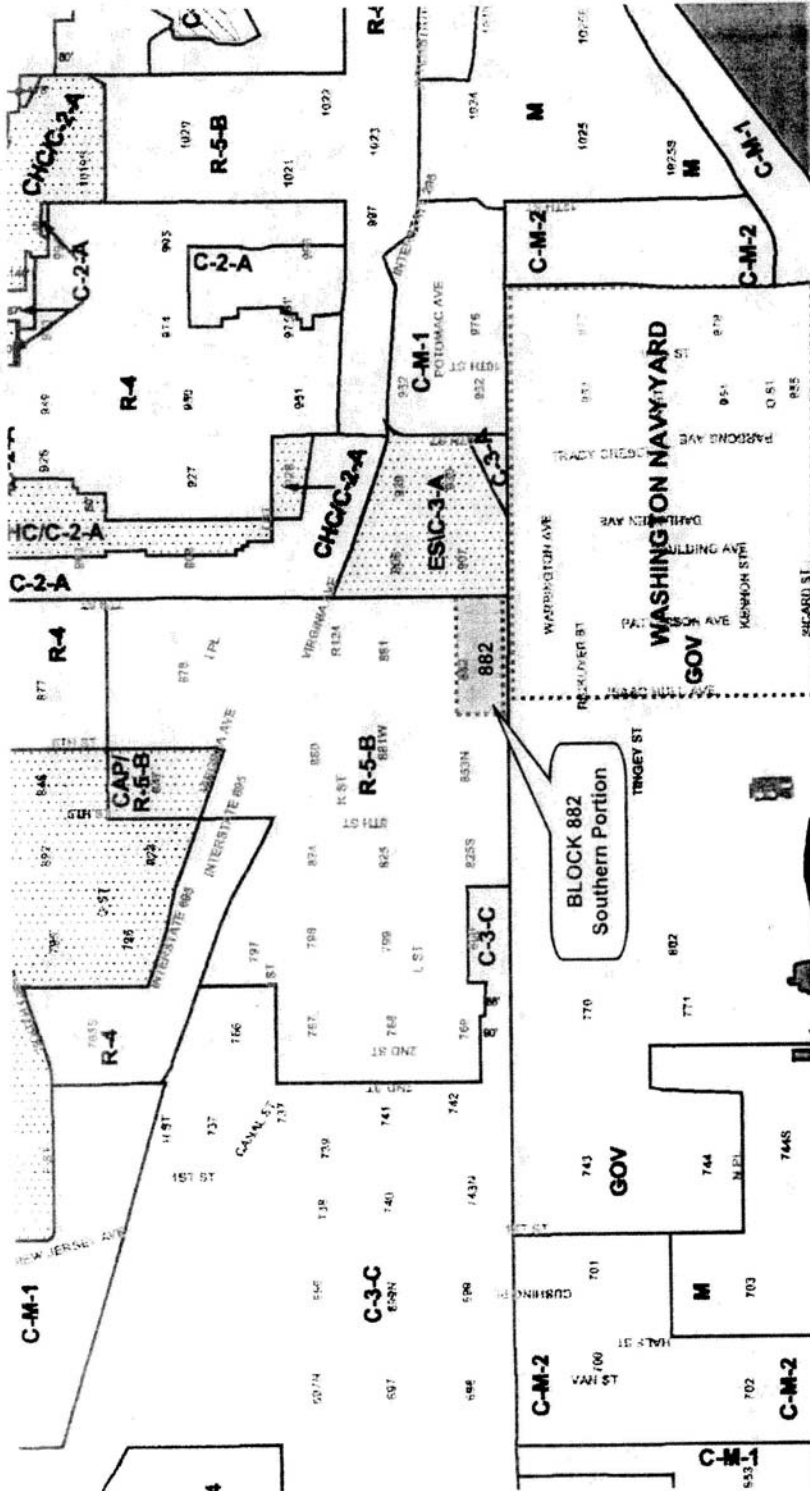


JOHN A. SEARS III  
Commanding Officer

Enclosure: 1. Zoning Map of M Street SE area

Copy to:  
NAVFAC Washington  
PWD Washington  
NDW Community Liaison

ENCLOSURE 1: ZONING MAP OF M STREET SE AREA



SOURCE: DC OFFICE OF ZONING  
WWW.DCOZ.DC.GOV; March 31, 2009