

**BEFORE THE ZONING COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**Capitol Place**

**ZONING COMMISSION CASE NO. 05-37**

**SUPPLEMENTAL MODIFIED PREHEARING STATEMENT IN SUPPORT  
OF THE APPLICATION FOR CONSOLIDATED REVIEW  
OF A PLANNED UNIT DEVELOPMENT  
AND ZONING MAP AMENDMENT**

**April 17, 2007**

RECEIVED  
D.C. OFFICE OF ZONING  
2007 APR 17 PM 1:42

ZONING COMMISSION  
District of Columbia

CASE NO. 05-37  
EXHIBIT NO. 53

## **TABLE OF CONTENTS**

	<b><u>Page</u></b>
TABLE OF CONTENTS .....	i
LIST OF EXHIBITS.....	ii
I. INTRODUCTION .....	1
II. ADDITIONAL MODIFICATIONS TO DESIGN OF THE PROJECT .....	2
A.    H Street Gateway .....	3
B.    H Street Façade .....	3
C.    G Street .....	4
D.    Roof Structures .....	4
III. UPDATED INFORMATION REGARDING PUBLIC BENEFITS AND PROJECT AMENITIES.....	5
IV. SUMMARY OF WORK WITH THE COMMUNITY.....	9
V. CONCLUSION.....	10

## **LIST OF EXHIBITS**

### **Description**

### **Exhibit**

Revised Architectural Plans

Submitted  
Separately

Additional Details Regarding Implementation of  
Micro-Grant Program

A

Updated Construction Management Plan

B

Summary of Community Meetings

C

## **I.**

### **INTRODUCTION**

This modified prehearing statement and attached documents are submitted by Station Holdings LLC (the "Applicant") in support of its application for consolidated approval of a planned unit development ("PUD") in conformity with Chapter 24 of the District of Columbia Zoning Regulations and related Zoning Map Amendment before the Zoning Commission for the District of Columbia. The subject property is located between 2nd and 3rd Streets, N.E., and G and H Streets, N.E. The subject property consists of Lots 30, 39, 40, 41, 45, 48, 801, 804, 805, 806, 811, 813, 814, 856, 857, 2001, 2002 and 2003 in Square 752 (the "Site"). The Site is split zoned C-2-A and C-2-B. Lot 45, located along H Street, N.E., was rezoned to C-2-B as part of the H Street, N.E. Neighborhood Commercial Overlay District; the remainder of the Site is zoned C-2-A.

The Applicant originally sought consolidated review and approval of a PUD and a rezoning of the Site to the C-2-B District in order to construct a mixed use development. The details of the proposed development, project design, public benefits and project amenities, and consistency with the Comprehensive Plan and the Ward 6 Plan were set forth in the Applicant's PUD Submission, filed on November 22, 2005, and in its supplemental materials filed on March 22, 2006. The Applicant further supplemented its application in its Prehearing Submission, which was filed with the Zoning Commission on May 15, 2006, and responded to comments from the Zoning Commission and the Office of Planning.

In July 2006, the Applicant withdrew from its scheduled zoning hearing to continue to refine project with input from the community and the Office of Planning. The Applicant then continued to work with the community and the Office of Planning to further refine the project and application. In January, 2007, the Applicant presented a redesigned mixed use project with ground-floor retail. As part of that revised application, the Applicant's requested zoning change was modified to maintain the C-2-A zoning along G Street while rezoning the corner of 2nd and H Streets, abutting the H Street Overpass and furthest from the existing row homes, to C-3-C. The remainder of the H Street frontage remains zoned C-2-B. The Modified Prehearing Submission set forth the details of those changes and the basis for the same. The Office of Planning submitted a report in support of set-down on February 2, 2007, and the Zoning Commission set down the revised application for hearing at its February 12, 2007, public meeting. The Applicant has continued with an iterative process with the community and the Office of Planning to further refine and articulate the application, as set forth in this Supplemental Modified Prehearing Submission.

## **II.**

### **ADDITIONAL MODIFICATIONS TO DESIGN OF THE PROJECT**

The Applicant has been continuing to work with the community and the Office of Planning to further refine and articulate the Capitol Place project. The redesign efforts were described in both the Prehearing Submission and the Modified Prehearing Submission, at which time the most extensive changes were made. This

Supplemental Modified Prehearing Submission set forth the additional changes -- primarily to the façade and architectural treatment -- made since the Modified Prehearing Submission was filed in January, 2007.

**A. H Street Gateway**

The highest portion of the project is located at the northwest corner of the PUD Site, addressing the larger scale of H Street at the H Street Overpass and the 110 foot Senate Square Tower project across H Street. Together, these two buildings will form a gateway to the H Street NE corridor. The massing of the Capitol Place Gateway results from efforts to reduce the building's perceived bulk and instead give it a more vertical orientation. In the updated design, window openings span two floors, helping reduce the apparent massing of the building. The scale is further reduced by relocating some of the mass of the tower further to the north and west, away from the residential neighborhood, and by recessing the top floor of the building and capping it with a planted trellis, an abstracted cornice element.

**B. H Street Façade**

The building façade has been updated to be more consistent with the H Street NE Development and Design Guidelines. For example, window openings and bays now have a vertical orientation as opposed to the horizontal orientation previously proposed. The elevation has been altered so that the building rests on a series of piers that will sit within the maintenance easement controlled by District Department of Transportation ("DDOT"). The Applicant is working with DDOT to obtain permission for the building to sit within that easement area. The design of

the building base will be defined by a darker masonry material and a series of planters that step up with the incline of the H Street Overpass.

**C. G Street**

The building makes a series of steps down, from the nine story portion that fronts H Street to seventh floor and fifth floor elements as it transitions to the smaller scale of the 3rd Street residential neighborhood. At the eastern boundary of the project site is a three story infill building that helps complete the transition to the low rise townhouses along 3rd Street.

The existing townhouses located on 3<sup>rd</sup> Street were designed as a set of buildings forming a completed symmetrical composition. The new infill building is recessed from the property line by about 15 feet, creating a clear separation from the original townhouses and leaving the integrity of the original symmetrical design intact.

**D. Roof Structures**

In an effort to minimize the appearance of the roof structures at the corner of H and 2<sup>nd</sup> Streets, the roof structure steps down from eighteen feet, to thirteen feet, six inches towards the south and incorporates a free-standing stair tower. Thus, the roof structure meets the setback requirements on each frontage, although flexibility is requested to incorporate walls of unequal height and to have multiple roof structures on this roof level. In addition, the roof structure at the southern end of the project meets the set back requirement on all frontages, except for one pinch point in which the set back from the internal court yard is slightly less than what is

required. Accordingly, the Applicant requests flexibility for the roof structures in this project.

### **III. UPDATED INFORMATION REGARDING PUBLIC BENEFITS AND PROJECT AMENITIES**

The Applicant has continued to refine the proposed public benefits and project benefits, including providing additional benefits to offer a further enhanced amenities package. The package includes the following amenities and benefits, with additional information provided in italics:

- Housing (314 units) and affordable housing in the amount of approximately 26,550 square feet (approximately 22 units, or 15% of the increase). *The total amount of affordable housing is calculated as 15% of the bonus density (i.e., the increase of gross floor area resulting from the PUD) and is thus subject to change based on the final total increase.*
- LEED Silver Certification for Capitol Place including sustainable design features such as green roofs and terraces, landscape courtyard at the rear of the property, a storm water capture system, recycling of construction debris, reduced energy consumption, and improved indoor air quality through filtered fresh air and use of non-toxic materials. *In recent cases, the Zoning Commission has requested assurances for a proffer of LEED certification because such certification can not be obtained prior to the issuance of a certificate of occupancy. As has been*



*done in recent cases as well as set forth in the Green Building Legislation enacted by the DC Council, the Applicant in this case proffers the payment in to an escrow fund of a security (i.e., bond, letter of credit or escrow account) that is equal to one percent of the construction cost as identified on the building permit application. When the project achieves LEED certification, the security will be released to the Applicant. In the event that the Applicant does not achieve certification for this project within two years of the date of the certificate of occupancy, the security would be released to the District.*

- Retail fronting the corner of 3rd and H Streets (approximately 9,500 square feet) and along 2nd Street to G Street (approximately 15,000 square feet).
- Dedication of easements as needed to create a straight, twenty-foot wide alley to serve the rear of the townhouses along G and 3rd Streets.
- Pay for and install sewer infrastructure in the alley to allow connection to future alley structures built by the residents of the 3rd Street townhouses.
- Pay for and install improved, more aesthetic fencing along the south side of the H Street Overpass in front of Capitol Place.
- Provide a public stairway and sidewalk from the H Street overpass to 2nd Street on Capitol Place property.

- Fund a micro-grant program with \$150,000 (with an additional 10% for the administrative fee being given to the administrator of the program) whereby neighboring property owners within Squares 752, 753, 777 and 778 could apply for a grant for the purpose of making repairs and improvements to the portions of their homes which are within public space or viewed from public space. *Additional details regarding the implementation of the micro-grant program can be found in the attached Exhibit A. This implementation program is preliminary. The Applicant will continue to work with the community to further refine this program, if necessary.*
- Replace the sidewalk, curb and gutter along the west side of 3rd Street between H and G Streets.
- Replace the chain link fencing around the parking lot in Square 753.
- Install brick and granite pavers and improved lighting under the H Street overpass on the east side of 2nd Street.
- LSDBE and First Source agreements.
- Construction Management Plan. As part of this plan, the Applicant has committed to auger the piles during construction. Therefore, the piles will not be driven or vibrated to minimize any impact on nearby properties. An updated copy of the proposed Construction Management Plan is attached as Exhibit B.

In addition to these amenities and benefits already proffered, the Applicant proposes the following additional amenities and benefits after further work with the Office of Planning and community:

- Option to purchase a membership for access to the health club at Capitol Place for property owners within Square 752.
- Option to rent or purchase parking spaces in garage, subject to availability, with preference being given to property owners within Square 752.
- Contribution to H Street Main Street of \$150,000.
- Inclusion of dedicated Zip Car parking space(s) in parking garage.
- Discounted membership for the Zip Car program and issuance of Smartcard metro passes for initial purchasers in the project.
- Fund an additional micro-grant program with \$50,000 whereby property owners within Square 752 could apply for a grant for the purpose of making energy efficient upgrades to their homes. This program will be implemented in the same manner as for the primary micro-grant program, subject to the criteria set forth herein.

In addition, the Applicant has reclassified two amenities as mitigation, in response to requests by the community. Specifically, although the properties involved in this application are not included within a historic district nor are the properties designated as historic structures, they could be considered as potentially eligible structures. However, as mitigation, the Applicant has agreed to survey and

document those potentially eligible structures to be demolished within the PUD Site. In addition, the Applicant has agreed to fund a professional survey of properties for inclusion in a possible future extension of the Capitol Hill Historic District, such properties being located within the twenty-four blocks comprised of 2nd to 14th Streets, NE, and F to H Streets, NE, not including the Site or properties within the H Street Overlay.

#### **IV. SUMMARY OF WORK WITH THE COMMUNITY**

The Applicant has worked closely with the community on this project during the past twenty months. The Applicant first met with community leaders in August, 2005, to open up a dialogue and introduce the project. After several meetings with community leaders and the Office of Planning, the Applicant presented preliminary design of the project to the community in November 2005, at both the Advisory Neighborhood Commission 6C ("ANC 6C") Planning and Zoning Committee meeting and the full ANC 6C. After these presentations, the Applicant then filed its PUD Submission with the Zoning Commission.

Throughout January and February, 2006, the Applicant continued to work with community leaders and the Office of Planning to further revise the application. In March, 2006, the Applicant submitted an update to the PUD Submission incorporating modifications to the project in response to the comments and input the Applicant had received. Throughout the spring and summer of 2006, the Applicant continued to work with the community and Office of Planning

to refine and rework the project. In fact, the Applicant postponed its July 2006, hearing date in order to provide additional time to redesign the project based on the significant work with the community and the Office of Planning.

In January, 2007, the Applicant submitted a redesigned project in its Modified Prehearing Submission. Since that time, the Applicant has continued to work with the community and the Office of Planning to further refine and articulate the project. The community has been significantly involved in the development of this project, as is set forth above and in the detailed summary attached as Exhibit C.

## **V. CONCLUSION**

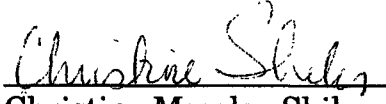
For the foregoing reasons, the Applicant submits that the PUD plan meets the standards of Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; is consistent with the H Street Plan; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be adopted by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the PUD application with relief from the roof structure

regulations, loading regulations and the residential recreation space requirements and the concurrent change in zoning for a portion of the project to C-3-C.

Respectfully submitted,

HOLLAND & KNIGHT LLP  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, D.C. 20006  
(202) 955-3000

By:   
Wayne S. Quin

By:   
Christine Moseley Shiker

# 4477584\_v3