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April 21, 2016

VIA IZIS AND HAND DELIVERY

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

Re: Request for a Minor Modification to the Second-Stage PUD for Capitol Crossing South Block

Dear Members of the Commission:

On behalf of Capitol Crossing V, LLC¹ (the “Applicant”), the owner of property located at Lot 862 in Square 568 (the “Site”), which is a portion of Lot 44 in Square 568 (the “South Block”), we hereby submit this application for minor modifications to the above-referenced Second-Stage Planned Unit Development (“PUD”) approved pursuant to Z.C. Order No. 08-34A.

This modification request is made pursuant to the Zoning Commission's authority established in Sections 2409.9 and 3030 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). Attached hereto as Exhibit A is Zoning Commission Form 151-Application for a Minor Modification and the required letter of authorization. Also included is a check in the amount of \$520.00 for the filing fee.

A. Previously Approved PUD

Pursuant to Z.C. Order No. 08-34 (Exhibit B), dated May 23, 2011, and effective on July 1, 2011, the Zoning Commission approved (i) a First-Stage PUD for land and air rights above the Center Leg Freeway in an area generally bounded by Massachusetts Avenue, NW to the north, 2nd Street, NW to the east, E Street NW to the south, and 3rd Street, NW to the west (the “Overall PUD Site”); (ii) a consolidated PUD for a portion of the Overall PUD Site; and (iii) a Zoning Map amendment to the C-4 District for the Overall PUD Site. Development of the South Block was approved as part of the First-Stage PUD.

¹ The original applicant in Zoning Commission Case No. 08-34A was Center Place Holdings, LLC.

Pursuant to Z.C. Order No. 08-34A (Exhibit C), dated January 28, 2013, and effective on March 1, 2013, the Zoning Commission approved a Second-Stage PUD for the Site in accordance with Z.C. Order No. 08-34. The Second-Stage PUD involves the development of a new 12-story, 130-foot office building with ground floor retail. The building was approved to include approximately 670,251 square feet devoted to office use and approximately 19,101 square feet devoted to retail use, with a maximum density of 8.66 floor area ratio ("FAR"). The building's design was finely detailed to create an appropriate massing for the large development block. The approved building design is organized into two parallel bars with a full-height glass atrium in the center. The bulk of the massing is along 2nd and F Streets, while the building steps down on the west side closer to 3rd and F Streets. Entrances on E, F and 2nd Streets are recessed from the main street wall to create a sense of multiple volumes within the massing and to further articulate the building. The façade of the building was approved with a structurally-glazed unitized curtain wall system with laminated glass fins projecting from the face of the wall at various angles. The glass fins provided texture to the contemporary glass structure.

B. Minor Modifications Requested

As shown on the PUD Minor Modification Plans hereto as Exhibit D (the "Minor Modification Plans"), the Applicant requests minor modifications to the approved architectural drawings in the following areas:

1. Minor Modification to the Site Plan: Elimination of the Eco-Chimney

Pursuant to Z.C. Order No. 08-34A, the South Block's site plan included an eco-chimney as a sustainable building feature designed to clean exhaust air from the below-grade parking facility and the loading docks before releasing it into the atmosphere above grade. As shown on Sheet 1.3 of the Minor Modification Plans, the eco-chimney was located on the west side of the Site. The Applicant now proposes to eliminate the eco-chimney as shown on Sheet 1.4 of the Minor Modification Plans. The requirements relating to the volume of air that must be treated have changed per the adoption of the D.C. Construction Code Supplement of 2013. Based on the new requirements, the eco-chimneys proposed for the Center and North Blocks of the project are sufficient, and thus, this eco-chimney is no longer required.

The Applicant does not propose any changes to the layout of the building or any other modifications to the layout or program of the site plan.

2. Minor Modifications to the Building Façade

a. *Glass Façade Treatment*

As shown on the renderings and elevations included as Sheets 2.1 through 3.8 of the Minor Modification Plans, the Applicant proposes to replace the approved façade treatment with a similar yet refined design approach. The approved façade was a flat, structurally-glazed curtain wall comprised of floor-to-ceiling glass and a metal spandrel on a 5-inch module. Glass fins were applied

to the wall every 2 feet, 6 inches and were positioned in one of three directions to create a texture across the façade that resulted in a visual depth and broke down the scale of the building.

The proposed façade transforms the “additive” fin elements into integrated elements. The wall system is maintained as a curtain wall comprised of floor-to-ceiling glass and a metal spandrel on a 5-foot module. However, the proposed façade now has two variations: (i) a flat wall; and (ii) an angled wall that appears saw-toothed in plan. The angled wall kicks out one edge of the façade to create the same type of textured pattern and massing as previously contemplated. The angular glass will be integrated into the building directly, rather than added on as were the originally-proposed fins. The juxtaposition of the two variants in the wall type results in a building with appropriate scale along the street wall and an overall massing that is appropriate for the Site.

b. *11th Floor Terrace*

As shown on Sheets 5.1 through 5.4 of the Minor Modification Plans, the Applicant proposes to infill one level of the approved two-story terrace at the building’s southeast corner. The infill will occur on the 11th floor, with the terrace now being located on the 12th floor. This modification allows the south façade to better coordinate with the design of the north façade. Despite the infill on the 11th floor, the overall density of the building is not increased. Based on further analysis of the gross floor area of the building, the density has been reduced from the approved 8.66 FAR to 8.54 FAR.

3. Minor Modification to Penthouse Design and Use

As shown on the roof plans included as Sheets 5.5 through 5.8 of the Minor Modification Plans, the Applicant proposes to revise the design of the building’s penthouses to incorporate habitable space on the main roof and to incorporate a trellis with landscaping on the lower roof. The habitable space is permitted by virtue of the recently-adopted penthouse regulations approved pursuant to Z.C. Order No. 14-13. Consistent with the new penthouse regulations, the Applicant proposes to eliminate two of the previously-proposed penthouses, provide habitable space in one of the remaining penthouses, and rearrange the design and footprint of the three remaining penthouses to accommodate the modified program. The penthouse heights and setbacks comply with the requirements set forth in the penthouse regulations. A comparative diagram of the approved and proposed penthouses on the main roof is attached as Exhibit E (“Penthouse Diagram”).

In Z.C. Order No. 08-34A, the Commission granted flexibility to permit multiple penthouses on the office building at the Site. As shown on the Minor Modification Plans, the approved design incorporated five total penthouses: two mechanical penthouses, two enclosures for the elevator override and stair towers, and one penthouse enclosing additional mechanical equipment and the building’s central glass atrium. The Applicant’s revised roof plan includes a total of three penthouses: two mechanical penthouses and one penthouse that encloses additional mechanical equipment, the central atrium, and new habitable space. The result is a reduction in the amount of penthouse flexibility granted in Z.C. Order No. 08-34A, due to the elimination of two penthouses.

The proposed habitable space will be used for office tenant space or communal use for building occupants. If the habitable space is ultimately targeted for restaurant use, then the Applicant will return to the Commission for approval of a special exception use.

As a result of the proposed habitable space in the new roof plan, the Applicant will contribute to the production of affordable housing as required by the new penthouse regulations. The Applicant will make a contribution to the Housing Production Trust Fund based on 100% of the habitable square footage in the penthouse in accordance with the formula contained in Sections 414.13 through 414.16. The payment must be equal to one-half of the assessed value of the square footage of habitable space. The proposed penthouse habitable space is approximately 15,000 square feet. The current assessment in the Office of Tax and Revenue is subject to a PILOT (Payment In Lieu of Taxation). Thus, the final amount of the total contribution will be determined no earlier than 30 days prior to the date of the building permit application to construct the penthouse habitable space in accordance with Section 414.15 of the Zoning Regulations. No less than one-half of the required total financial contribution will be made prior to the issuance of a building permit, and the balance will be made prior to the issuance of a certificate of occupancy for the building's penthouse habitable space in accordance with Section 414.16 of the Zoning Regulations.

Pursuant to Section 411.24 of the new penthouse regulations, a request to add penthouse habitable space to a building approved by the Zoning Commission as a PUD prior to January 8, 2016, may be filed as a minor modification for placement on the Zoning Commission's consent calendar, pursuant to 11 DCMR § 3030, provided (a) the item shall not be placed on a consent calendar for a period of 30 days minimum following the filing of the application; and (b) the Office of Planning shall submit a report with a recommendation a minimum of seven days in advance of the meeting. *See* 11 DCMR § 411.24. In addition to meeting the requirements of 11 DCMR § 3030, an application made pursuant to 11 DCMR § 411.24 shall include the following:

- a. A fully dimensioned copy of the approved and proposed roof plan and elevations as necessary to show the changes;
- b. A written comparison of the proposal to the Zoning Regulations; and
- c. Verification that the affected ANC has been notified of the request.

This application complies with the requirements of § 411.24(a)-(c). As shown on the elevations on Sheets 3.1 through 4.4 and the plans on Sheets 5.5 through 5.8 of the Minor Modification Plans as well as the Penthouse Diagram, the Applicant has provided fully dimensioned plans and elevations showing the approved and proposed penthouses. A written comparison of the proposal is provided herein. Finally, as shown on the Certificate of Service attached at the end of this statement, the Applicant notified the affected ANCs of the request and has received support from both of the impacted ANCs, as described below.

C. Jurisdiction of the Zoning Commission and Compliance with Standards

Section 2409.9 of the Zoning Regulations authorizes the Zoning Commission to approve proposed modifications to an approved PUD that are beyond the limited scope of authority granted to the Zoning Administrator. Furthermore, Section 3030 of the Zoning Regulations provides for an expedited "Consent Calendar" procedure, allowing the Zoning Commission to make minor modifications and technical corrections to an approved PUD Order without a need for a public hearing. Pursuant to Section 3030.2, "minor modifications" are those modifications of little or no consequence. Section 3030 also permits the Zoning Commission to consider a request to add penthouse space pursuant to 11 DCMR § 411.24 as a minor modification.

The modifications requested herein do not affect the essential elements of the approval given by the Zoning Commission for this project. The proposed modifications are to make minor design refinements to the site plan and the building façades and to provide habitable space in the penthouse as permitted in the new penthouse regulations. Moreover, no additional zoning flexibility is needed. Accordingly, the request falls within the scope Section 3030.

As provided in Section 3030.13 of the Zoning Regulations, "all relief granted by the Commission under this section shall be consistent with the intent of the Commission in approving its original order, map, plan, rulemaking, or other action or relief proposed to be modified or corrected and shall not substantially impair the intent, purpose, or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map." As indicated by the information presented herein, the modified project is consistent with the intent of the Commission's original approval and the minor changes will not substantially impair the intent, purpose, or integrity of the zone plan.

D. Work with the Community

The Site is located within the jurisdiction of Advisory Neighborhood Commissions ("ANCs") 2C and 6C. The Applicant has presented the project to both ANCs and received their support for the modified plans. On April 11, 2016, at the regularly scheduled, duly noticed meeting of ANC 2C, with a quorum of commissioners and the public present, ANC 2C voted 3-0-0 to support the modification application.

In addition, on April 6, 2016, the Applicant presented the modification application to ANC 6C's Planning, Zoning, and Environment Committee, which voted unanimously to recommend that the full ANC vote to support the application. On April 13, 2016, at the regularly scheduled, duly noticed meeting of ANC 6C, with a quorum of 5 of 6 commissioners and the public present, ANC 6C voted 5-0-0 to support the modification application. A copy of the ANC 6C letter of support is attached as Exhibit F.

Moreover, as required by 11 DCMR § 3030.6, the Applicant has served this request on ANC 2C and ANC 6C. There were no other parties to the original proceeding.

E. Conclusion

The Applicant respectfully requests approval of this request for a minor modification to the plans approved in Z.C. Order No. 08-34A and requests that it be placed on the Commission's public meeting agenda for May 23, 2016, which is a minimum of 30 days from filing the application. As required by 11 DCMR § 3030.13, this minor modification is consistent with the intent of the Commission in approving the original PUD and it will not substantially impair the intent, purpose, or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map. Accordingly, a minor modification is appropriate.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Christine M. Shiker

cc: Parties to Original Case
Jennifer Steingasser, Office of Planning
Joel Lawson, Office of Planning

See Attached Certificate of Service
(Via Hand; w/attachments)
(Via Hand; w/attachments)

CERTIFICATE OF SERVICE

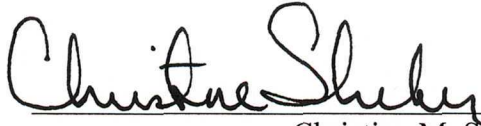
I hereby certify that on April 21, 2016, a copy of this Request for Minor Modification to a PUD (Zoning Commission Order No. 08-34A) was served on the following in accordance with 11 DCMR § 3030.6.

Advisory Neighborhood Commission 2C
P.O. Box 51181
Techworld Station
Washington, DC 20091

Via US Mail

Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, DC 20013

Via US Mail


Christine M. Shiker