

BEFORE THE

ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

SUPPLEMENTAL PREHEARING
SUBMISSION

CAPITOL CROSSING
NORTHWEST WASHINGTON, D.C.

APPLICATION FOR
A SECOND-STAGE PUD FOR THE
SOUTH BLOCK

ZONING COMMISSION CASE NO. 08-34A

November 8, 2012

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LIST OF EXHIBITS

Description

Exhibit

Updated Second-Stage PUD Plans

Submitted Separately

I.
INTRODUCTION

This Supplemental Prehearing Statement and accompanying documents (the "Supplemental Prehearing Submission") are submitted by Center Place Holdings, LLC, on behalf of the District of Columbia, through the Office of the Deputy Mayor for Planning and Economic Development, the current owner of the property (collectively, the "Applicant"), in support of the application to the Zoning Commission for the District of Columbia for approval of a second-stage Planned Unit Development ("Second-Stage PUD") for development of the South Block over the Center Leg Freeway in accordance with the Zoning Commission's approval in Zoning Commission Case No. 08-34 ("Order No. 08-34"). The subject property is known as Lot 44 in Square 568, generally bounded by 2nd Street, N.W., to the east, E Street, N.W., to the south, and 3rd Street, N.W., to the west and the extension of F Street, N.W., to the north (the "Site"). This application is submitted in accordance with Chapters 24 and 30 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003), as amended ("Zoning Regulations").

The Zoning Commission considered this case for set down at its July 9, 2012, public meeting and voted to set the case for hearing. At that meeting, the Zoning Commission requested additional information regarding the height and design of the canopy element as well as the connection to 3rd Street for purposes of determining height. The Applicant submitted a Prehearing Submission providing responsive information to those issues. This Supplemental Prehearing Submission provides additional information in response to additional requested information from both the Zoning Commission at the set down meeting and the Office of Planning.

II.

ARCHITECTURAL DESIGN

As set forth in the Prehearing Submission and in response to the Zoning Commission's concerns, the Applicant lowered the overall height of the solar canopy covering the building to match the maximum height of the building at 130 feet. This canopy element continues to maintain the same structure and design as proposed in the original application, with the canopy being lightweight and slim without additional cladding to hide the structure. The canopy will consist of an open-grate brise-soleil spanning between cantilevered structural members and will likely be fabricated out of aluminum or stainless steel rods. The canopy highlights the important corners of the building and provides aesthetic dimension in these areas.

In addition to the changes proposed to the design and height of the solar canopy, the Prehearing Submission also described the newly-incorporated setbacks at the upper levels of the building and the reconfiguration of the penthouse structures. The plans submitted herewith incorporate those changes and include no modification to those changes described in Prehearing Submission. The re-issued plans only provide additional renderings and information to respond to additional questions that were raised, including the following:

A. Central Atrium

A primary element of the South Block building is the central atrium. The atrium provides a dramatic central space that maximizes the daylight for the relatively deep floor plates. Glass-enclosed passenger elevators are located within the atrium, creating activity and vibrancy within the space. In addition, the atrium provides permeability to the Site and provides the primary north-to-south circulation at the ground level, allowing pedestrians to move between E and F Streets within the structure. Access to the central space from 2nd Street is also provided. Retail

spaces line the ground floor, and entrances are placed at the street wall along each of the street frontages (i.e., 2nd, F and E Streets).

The central atrium rises to a maximum height of 18 feet, 6 inches above the roof. This height includes the glass atrium which extends 15 feet above the roof as well as the structural element which extends an additional 3 feet, 6 inches, for a total of 18 feet, 6 inches above the roof. The design is in accordance with the long-standing application of the Zoning Regulations and Act of 1910 as applied to coverings of an atrium in buildings in the District.

The Act of 1910 and the Zoning Regulations limit the height of the South Block building to 130 feet. However, the Act of 1910 permits certain elements to exceed that height, stating that "Spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks may be erected to a greater height than any limit prescribed in [the Act]." D.C. Code §6-601.05 (h).

Within this language, the exceptions fall generally within two groups: (1) architectural elements; and (2) utilitarian elements. The architectural elements listed are spires, towers, domes, minarets, and pinnacles. The utilitarian elements listed are penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks. With regard to both architectural and utilitarian exceptions, no height limit is provided under the Act. In both cases, the long-standing and consistent application of these provisions has been to allow other similar architectural features and other similar utilitarian needs above the height limit.

In the case of coverings over an atrium or skylight, several factors have applied where they are above the Act of 1910: (1) the plane of the roof has been clearly established at or below the maximum height, usually by a defined roof surrounding or partially surrounding the atrium; and (2) no additional FAR is achieved. Most recently, the Zoning Commission applied this

interpretation to the approval of the Marriott Marquis Convention Center Hotel in Zoning Commission Case No. 08-13. In that case, the Commission specifically approved an atrium that exceeded the maximum height of the building but was no more than 18 feet, 6 inches in height. *See* Finding of Fact No. 53 in Zoning Commission Order No. 08-13.

While there are examples of atrium skylights that rise above buildings of 130 feet in height and their mechanical penthouses of 18' 6", other examples of atrium skylights that are above 130 feet, but are at or below their mechanical penthouses of 18 feet, 6 inches, included the following:

- The IMF Headquarters Building (HQ1) at 700 19th Street, N.W., approved as a PUD in Zoning Commission Case No. 310.
- The IMF Headquarters Building (HQ2) at 1900 Pennsylvania Avenue, N.W., approved as a PUD in Zoning Commission Case No. 960).
- International Square Building at 18th, 19th, K and I Streets, N.W., approved in various Board of Zoning Adjustment cases, including Case No. 11834, 12577, and 13185.
- World Bank Building at 1818 H Street, N.W., constructed as a matter of right but with specific approval of the atrium by then-Zoning Administrator.
- Investment Building at 1501 K Street, N.W. and the Homer Building at 601 13th Street, N.W., both reviewed and approved by the Historic Preservation Review Board.

Based on these precedents, the proposed central atrium for the South Block building complies with both the Zoning Regulations and the Act of 1910.

B. Western Façade

The Zoning Commission requested additional information as to the design of the western façade and how it will be perceived during the time prior to development of the Jewish Historical Society ("JHS") facilities. The western façade that will be located behind the relocated JHS synagogue will be constructed with concrete block infill between the slabs. Cementitious stucco on the concrete block will create a uniform finish surface. To break down the scale of the wall, one-inch metal reveals will be recessed into the stucco finish. Horizontal joints at each floor will align with the top and bottom of the adjacent metal spandrel panels while the vertical joints will be spaced at five-foot on center to match the width of the typical curtainwall unit. The entire wall will be painted a neutral color to compliment the exterior curtain wall and metal canopy paint finish.

When the JHS facilities are constructed, this wall will be covered and no longer visible. In the interim, this façade will serve as a backdrop for the JHS synagogue, which will be placed in its final location immediately following construction of the platform and likely prior to completion of the South Block building and construction of the additional new space for the JHS.

In addition, the Office of Planning noted that a portion of the windows further to the south along the west façade are "at risk" due to their location on the property line. These windows abut an open loading area for the adjacent property. This adjacent property was developed as a PUD in accordance with Zoning Commission Order No. 489. At-risk windows are permitted, with the recordation of a covenant, pursuant to Sections 106.6.2 and 704.8.3 of the DC Construction Codes Supplement 2008. In the event that redevelopment occurs, the Applicant will work with the adjacent property owner and make such arrangements as are required to comply with the code. However, because the building on the adjacent property was

approved as a PUD and achieved an FAR of 7.0, a proposed infill of the open loading area would also require review and approval by the Zoning Commission as a modification to that approved PUD.

C. Ec-Chimney

The eco-chimney is a sustainable building feature designed to clean exhaust from the below-grade parking facility and the loading docks before releasing it into the atmosphere. The eco-chimney contributes to the development's LEED certification as an innovative design feature.

The eco-chimney will be located on the west side of the Site, behind the eight-story portion of the building on F Street. This location is consistent with that approved in the Final First-Stage PUD Plans. The eco-chimney will be a two-story structure clad in glass panels similar to the typical building curtainwall system. Because the eco-chimney represents very new technology, the exact dimension of the structure may evolve somewhat as it further developed.

**III.
CONNECTION TO 3RD STREET, N.W.**

The Zoning Commission requested clarification as to the connection of the South Block building to 3rd Street, which was provided in Section III of the Prehearing Submission. The Office of Planning requested that the Applicant provide additional information to support the Applicant's statement that the plans for the JHS facilities will include a connection to the public area proposed on the western frontage of the South Block building. In response to that request, the relevant portion of the executed agreement dated May 13, 2012, between the Applicant and JHS includes Section 2(i), which reads as follows:

- (i) Concurrently with closing on the transfer to JHS of the New JHS Parcel, Center Place and JHS shall enter into a combined lot development covenant ("CLD Covenant") or comparable arrangement, as may be legally required. The CLD Covenant shall (i)

provide for the consolidation of the New Parcel and the portion of the Project to be located between E and F Streets, NW ("Project South Block") into a single lot of record consistent with legal requirements in effect as of the date of this MOU (if necessary, securing agreement of the District of Columbia in the PUD that any changes in legal requirements will not apply), (ii) permit the construction of an above-grade connection between the New Improvements and the Center Place improvements, for the purpose of securing Center Place's proposed 130-foot building height for the Project South Block, (iii) provide that the separate portions of the single lot owned by JHS and Center Place, respectively, shall be separate tax parcels for purposes of District of Columbia real property taxes, (iv) allocate FAR between the respective tax parcels, (v) provide that the separate portions of the single lot owned by JHS and Center Place, respectively, shall be separately owned, financed, operated and the like, and (vi) contain such other terms and conditions as are customary for covenants effecting single lots of record existing as of the date of this MOU. The design of the aforementioned connection shall be subject to the approval of JHS and shall be consistent with JHS' building plans for the New JHS Parcel.

Accordingly, the South Block building and the JHS facilities will create a single building with frontage on 3rd Street, which permits the South Block building to have a maximum of 130 feet by the Act of 1910. Prior to the construction of the JHS facilities, the South Block building fronts on 3rd Street as there is not intervening building between the South Block building and the 3rd Street right-of-way.

IV. SOUTH BLOCK RETAIL

The Office of Planning requested clarification regarding the amount of retail for the overall project and the ceiling heights for the retail space proposed in the South Block. First, Condition No. 4 in Order No. 08-34 requires a minimum commitment of 62,687 square feet of gross floor area devoted to retail uses in the overall project. Condition No. 4 does not specify the breakdown by block, although the totals are shown on Sheet 2.4 of the Final First-Stage PUD Plans. The Applicant proposes a minimum of 19,101 square feet in South Block. While this is slightly (i.e., 899 square feet) less than that shown on Sheet 2.4 of the Final First Stage PUD Plans, it is in compliance with the approved First-Stage PUD. Specifically, it is likely that at least 899 square feet, if not more, of the space identified for "retail/office" space will be devoted to

retail use, bringing the total space provided to the 20,000 square feet identified on Sheet 2.4 of the Final First Stage PUD Plans. However, if that additional space is not devoted to retail use, then the Applicant must still comply with the overall commitment and will be required to provide the difference as additional retail square footage in the Center Block to ensure compliance with the PUD approval.

Second, the Office of Planning has inquired as to the proposed height of the retail space within the South Block. The Applicant proposes ceiling heights of 12 feet within the South Block. The North Block incorporates the more destination-type retail and includes ceiling heights that range from 18 to 20 feet along Massachusetts Avenue, with others ceiling heights ranging from 11 feet to 14 feet, as set forth in Finding of Fact No. 72 or Order No. 08-34. The ceiling heights proposed for the South Block are appropriate and in keeping with more traditional Washington retail ceiling heights. The ceiling heights cannot be increased further given the need to incorporate a minimum number of stories within the permitted height.

V. AFFORDABLE HOUSING

The Zoning Commission requested clarification of the affordable housing component of the project. As part of the First-Stage PUD approval for the overall project, the Zoning Commission approved a residential building in the Center Block which will include approximately 180,000 square feet of gross floor area. Of the approximately 150 residential units proposed, fifty units will be set aside for affordable housing. The affordable housing units will be affordable to individuals earning no more than 80% of the Metropolitan Statistical Area median within the District of Columbia. Affordable restrictions will remain in place for a period of forty years from the date that the first unit in the residential building is occupied. The residential building will be reviewed and approved in a future Second-Stage application.

VI.
CONCLUSION

This Supplemental Prehearing Submission along with the original application and the Prehearing Submission meets the requirements for s Second-Stage PUD, as required by Chapters 24 and 30 of the Zoning Regulations. For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission approved the Second-Stage PUD application.

Respectfully submitted,

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