

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director
DATE: October 11, 2019
SUBJECT: **ZC Case No. 08-34K** Modification of Significance to the approved Capitol Crossing Stage One PUD Center Block Square 566, Lot 861 (ZC Case No. 08-34)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) **recommends approval** of the requested **Modification of Significance** to the approved first stage PUD in ZC Order No. 08-34.

The modification to the approved order would allow for lodging and/or college or university educational uses within the center block commercial building. The building would continue to have the approved ground floor retail use and there would be no change to the building’s approved overall height, bulk and density.

II. OVERVIEW AND BACKGROUND

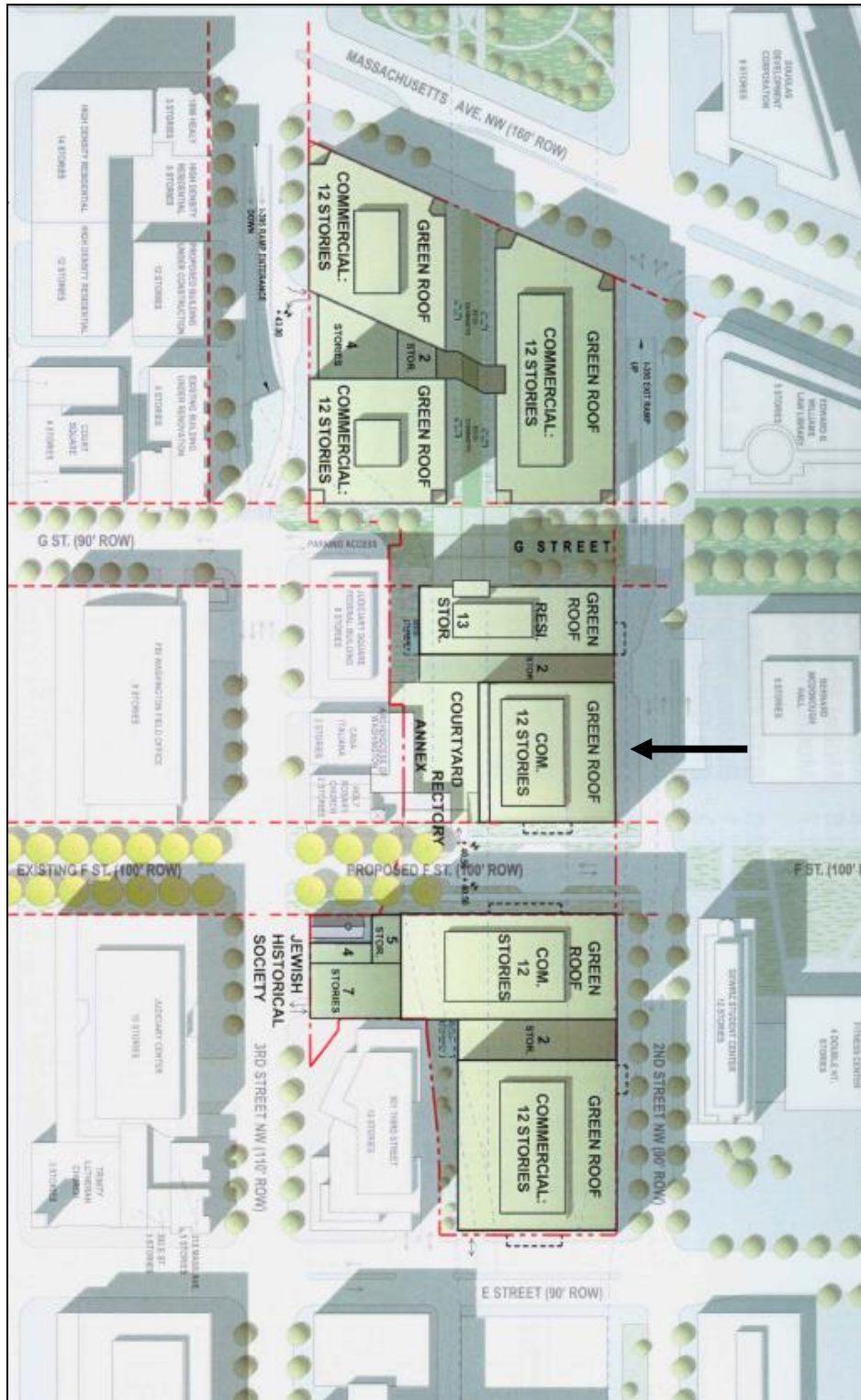
Zoning Commission Case No. 08-34 approved a first-stage PUD and a consolidated PUD with a related map amendment to C-4 zone (MU-30) in 2011 for a three-block site to be constructed above the Center Leg Freeway located in Squares 564, 566, and 568 (excluding Lots 849 and 850 in Square 566 and Lot 43 in Square 568). The overall PUD site is bounded by Massachusetts Avenue, N.W. to the north, Second Street, N.W. to the east, E Street, N.W. to the west, and Third Street, N.W. to the west.

The following elements were approved as part of the Consolidated PUD: (1) construction of the entire platform and base infrastructure; (2) the mix of uses, the height and density of each block; (3) the North Block; (4) the construction of all below-grade parking, concourse, and service levels; and (5) the proposed landscaping and streetscape design for the Overall Project.

Subsequent Commission consideration of project components include:

- 1) Case No. 08-34A second-stage approval for development of a portion of the South Block;
- 2) Case No. 08-34B approved an extension of the timeframe for a portion of the consolidated PUD in ZC Order No. 08-34;
- 3) Case No. 08-34C second-stage PUD approval for a portion of the Center Block;
- 4) Case No. 08-34E approved modifications to the consolidated PUD for the North Block;
- 5) Case No. 08-34F approved minor modification to the plans approved in ZC Order 08-34A;
- 6) Case No. 08-34G approved minor modifications to the plans for the North Block approved in ZC Orders 08-34 and 08-34E.
- 7) Case No. 08-34H second stage approval for development of a portion of the South Block

III. PUD SITE



IV. MODIFICATION REQUEST

The approved first stage PUD for the Center Block includes a commercial building, a residential building, and facilities for the Holy Rosary Church. The Applicant is proposing to modify Decision A.

4. of Order 08-34 for the Stage One approval of a commercial building with office and ground floor retail uses on the Center Block of the subject site.

The Applicant is requesting flexibility for the center block commercial building to also allow lodging and/or college or university educational uses. The building would continue to have the approved ground floor retail use and there would be no change to the building's approved overall height, bulk and density.

Lodging and college or university educational uses are permitted as a matter of right in the C-4 zone. The Applicant would confirm the use and provide detailed plans for the new building as part of a future second stage PUD application, which must be filed prior to July 1, 2021 per the original Order.

The Applicant proposes to modify the Original Order as noted below (emphasis added):

Decision A. 4. The Overall Project shall have an approximate gross floor area of 2,226,625 square feet, or 8.74 FAR based on the Site Area. As shown on the Final First-Stage PUD Plans, the Overall Project shall include approximately 1,910,386 square feet of gross floor area devoted to office uses, **of which up to 276,688 square feet of gross floor area may be devoted to "lodging" and/or "education, college/university" uses within the Center Block,** a minimum of 62,687 square feet of gross floor area devoted to retail uses, approximately 180,384 square feet of gross floor area devoted to residential uses, and approximately 73,168 square feet of gross floor area devoted to institutional uses related to the Holy Rosary Church and the Jewish Historical Society.

The Applicant does not request any additional flexibility at this time. If needed, the Applicant will request it as part of the second stage PUD application.

V. OP ANALYSIS

The Applicant's request to expand the mix of uses for the commercial building in the Center Block including office, hotel, and college or university educational uses is in keeping with a goal of the Capitol Crossing PUD to provide daytime and nighttime activation of the neighborhood. In addition to the commercial uses, the Center Block was approved for residential use and facilities for the Holy Rosary Church.

Zoning Commission Order No. 08-34 describes the Center Block in Findings of Fact 47:

The Center Block will include an apartment house with ground floor retail, an office component with ground floor retail and facilities for the Holy Rosary Church. All of these components will be connected internally at or above the level of the main floor to form a single building with frontage on 3rd Street, generally as shown on Sheets 2.3a and 2.3b of the Final First-Stage PUD Plans. Based on the Center Block's frontage on 3rd Street, which has a right-of-way width of 110 feet, the Center Block building is entitled to a maximum height of 130 feet under the 1910 Height Act and the C-4 Zone District.

The Applicant does not propose any changes to the height and massing of the building and the ground floor retail use of this component would remain unchanged.

Overall, OP finds that the proposed range of uses in this location and as a part of the overall Capitol Crossing development would be in keeping with the intent of the original PUD approval and supports this modification to the PUD.

VI. OTHER AGENCIES

After the application was set down for public hearing, the Office of Planning referred the modification request for comments to the following District agencies:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- Department of Public Works (DPW)
- DC Public Schools (DCPS)
- DC Public Libraries (DCPL)
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water

DOEE provided comments to OP that are in Attachment A.

DDOT indicated that they will file a separate agency report.

DDOT's Urban Forestry Division and DPR both stated that they had no comments.

At the time of this report, no other District agency had provided comment on the application.

VII. COMMUNITY COMMENTS

ANC 2C filed a letter in support of the modification in Exhibit 4. ANC 6C filed a letter in support of the modification in Exhibit 12.

Attachment A

From: Wiley, Kendra (DOEE) <Kendra.Wiley@dc.gov>
Sent: Friday, September 27, 2019 11:01 AM
To: Fothergill, Anne (OP) <anne.fothergill@dc.gov>
Subject: RE: ZC 08-34K PUD Modification of Significance

Hi Anne,

Here are DOEE's comments for this case.

- A critical goal of the Sustainable DC Plan is to increase the use of renewable energy to make up 50% of the District's energy use. This is a major priority of the current District administration, as the Mayor signed legislation in the summer of 2016 to increase the District's Renewable Portfolio Standard (RPS) to 50% with a local solar carve out of 5.0% by 2032. This legislation has produced significant potential benefits for the business and development community as the District has the best financials for solar energy in the country. Solar panels may be mounted horizontally over mechanical penthouses or integrated into an extensive green roof system.
- A power purchase agreement may be executed for leased solar panels with zero up front cost. Also, for owner financed solar panels, which can be financed by DC PACE, the typical return on investment is between two and five years. Through the District's community solar program, the energy generated can be "virtually" net-metered and the residents or commercial tenants can "subscribe" into the system providing mutual benefit for both the property owner and residents.
- Given that the District is continuously updating building codes, additional gains in energy efficiency are possible and encouraged. We would encourage that the project maximize all opportunities for increased energy efficiency. While some strategies could have minimal construction cost impacts, such as improvements to the building envelope, they will also decrease utility cost and could save valuable rooftop space. Many energy conservation measures including additional insulation, LED lighting and controls, high efficiency mechanical systems, and envelope commissioning and air sealing have a return on investment within five years and can be financed with no up-front cost through the DC PACE program.
- Financial tools like the DC Property Assessed Clean Energy (DC PACE) program and incentives from the DC Sustainable Energy Utility (DC SEU) can pay for increases in construction cost for sustainable design strategies. These could include on-site generation, any strategies that increase efficiency above the baseline code requirements, or stormwater management strategies that garner return on investment through the District's Stormwater Retention Credit Trading program. This financing does not increase debt on the property and is repaid over time as a special assessment on the property tax. DOEE recommends that the applicant investigate opportunities to take advantage of financial tools that would allow increased commitment to sustainability.
- The District has among the most stringent stormwater management, hazard remediation, air quality, energy conservation, and green building code requirements in the country. A more substantial, full regulatory compliance review by DOEE and other appropriate agencies, including the Environmental Impact Statement Form process, Stormwater Management Permit review, and Green Building Act and DC Green Construction Code compliance, will occur during the permit application process.

Thank you,
Kendra

Kendra Wiley, LEED AP O+M, ENV SP

Program Analyst

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