

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christine M. Shiker
(202) 457-7167
christine.shiker@hklaw.com

Jessica R. Bloomfield
(202) 469-5272
Jessica.bloomfield@hklaw.com

September 29, 2021

VIA IZIS

Zoning Commission
of the District of Columbia
441 4th Street, NW - Suite 210
Washington, DC 20001

**Re: Applicant’s Supplemental Prehearing Submission – Z.C. Case No. 08-34L
Second-Stage PUD for Capitol Crossing Center Block
Square 566, Lots 862 and 864¹ (part of Record Lot 50)**

Dear Members of the Zoning Commission:

On behalf of CAPITOL CROSSING III LLC and CAPITOL CROSSING IV LLC (together, the “Applicant”), and pursuant to 11-Z DCMR § 401.5, we hereby submit this Supplemental Prehearing Submission in support of Z.C. Case No. 08-34L for a second-stage planned unit development (“PUD”) for the “Center Block” portion of the Capitol Crossing development project located at Square 566, Lots 862 and 864.

As set forth below, this Supplemental Prehearing Submission includes the following information and materials: (i) a full set of revised architectural drawings (the “Drawings”), which include all refinements made to the project since the time of filing; and (ii) responses to comments raised by the Department of Energy and the Environment (“DOEE”), as forwarded to the Applicant from the Office of Planning.

I. Revised Architectural Drawings

Attached hereto as Exhibit A is a full set of revised architectural drawings (the “Drawings”), which include all updates made to the project since the time of filing. The Drawings are intended to replace and supersede the architectural drawings previously submitted to the case record at (Ex. 3G and 13A). The Drawings include the following primary updates:

¹ The original application referenced Lots 861 and 862. However, the Office of Tax and Revenue issued a division of lots disclaimer, which established a new Assessment & Taxation lot number for Lot 861, such that it is now known as Lot 864. The division of lots also reduced the land area of Lot 861 by approximately 68 square feet but otherwise did not impact the lot configuration.

1. Details showing an approximately 100-foot layby lane proposed on the north side of F Street, NW, in front of the hotel component of the project to accommodate guest loading and unloading. As shown on the Drawings, the loading area is 11 feet in width, comprised of an 8-foot parking lane and a 3-foot layby, consistent with the regulations set forth in Section 1201 of Title 24 of the District of Columbia Municipal Regulations; and
2. Details showing the proposed canopy to be located on the north side of F Street, NW, over the main entrance to the hotel component of the project and adjacent to the layby. The canopy is intended to provide cover from inclement weather for hotel guests as they load and unload from vehicles in the layby.

II. Response to Comments from DOEE

On August 26, 2021, the Office of Planning sent comments to the Applicant that were raised by DOEE. The Applicant provides the following responses to DOEE's comments:

1. DOEE Comment re: LEED: Pursue LEED Platinum on both buildings.

Applicant's Response: The Applicant proposes to attain LEED Gold for the Residential Building and LEED Platinum for the Hotel Building, all under LEED v.3 for Building Design and Construction as approved in the first-stage PUD. The Residential Building is currently tracking at 72 "yes" points, which would fall within the LEED Gold category, and has an additional 12-13 "likely" points, which would elevate it to the Platinum category. Although the Applicant's goal is to achieve as many points as possible for both buildings, it is not committing to more than LEED Gold v.3 for the Residential Building at this time, consistent with the approved first-stage PUD approval.

Moreover, the second-stage PUD application for the Residential and Hotel Buildings is fully consistent with the approved first-stage PUD, is compliant with all applicable Zoning Regulations, and does not include a request for any additional areas of zoning flexibility. Accordingly, the Commission's review does not involve a re-balancing of the relative value of the public benefits and amenities (such as an increase to LEED platinum) with the degree of development incentives requested and potential adverse effects. Accordingly, it is appropriate for the LEED proffer, as already approved for the Residential Building, to remain as-is.

2. DOEE Comment re: LEED: Consider LEED for Neighborhood Development certification for the Capitol Crossing development, as a whole.

Applicant's Response: The overall Capitol Crossing development project is already part of a LEED Master Site, which includes recognition of the environmental benefits associated with the design and construction of the platform and below-grade infrastructure, and accounts for site-wide groundwater recovery and stormwater management strategies, among others.

The Applicant, with input from the U.S. Green Business Council ("USGBC"), determined early in the PUD process (approximately 2014) that this campus/Master Site approach was more feasible and applicable to the overall PUD project than the LEED for Neighborhood Development

(“ND”) rating system. This is because LEED ND would not sufficiently credit all of the infrastructure development associated with the project or its dense, urban location that has extensive amenities such as public transportation and bicycle facilities. Moreover, if LEED ND was required and established at this point in the process, then it would have to be applied retroactively to several aspects of the overall project, which is infeasible because the buildings in the North Block have already completed their LEED review process and several credits for all buildings within the PUD Master Site have already been awarded.

3. DOEE Comment re: Energy Performance: *Enhance energy performance by considering the elimination of on-site combustion of fossil fuels and incorporating efficient electric systems.*

Applicant’s Response: The Applicant has maximized energy performance at the PUD Site, including at the Residential and Hotel Buildings, but is not able to eliminate on-site combustion of fossil fuels *entirely*. The Applicant has incorporated a variety of highly energy-efficient systems throughout the Residential and Hotel Buildings, such as a four-pipe fan coil unit system with added energy recovery units for ventilation. The Applicant is also studying several mechanical options, including hybrid systems that utilize gas and electric, in addition to all-electric options, but is unable to commit to all-electric at this time.

4. DOEE Comment re: Net-Zero Energy: *Explore net-zero energy construction/certification ahead of the planned code requirement.*

Applicant’s Response: The Applicant has incorporated a variety of energy efficient systems in the Residential and Hotel Buildings, including the following:

- High-performance building envelopes to minimize loads with energy recovery systems;
- Reduced infiltration and building envelope commissioning to minimize heat loss/gain;
- High-efficiency condensing boilers for heating and hot water production;
- High-efficiency air-cooler chiller used for energy and water reductions;
- Reduction in lighting power by 30% to 40% for areas under the Applicant’s control; and
- Installation of highly effective energy recovery mechanical systems to recover as much heat as possible.

Although energy use is an important factor, the Applicant has taken a holistic sustainability approach to site development, which includes a variety of items that often result in an energy penalty, such as systems to increase ventilation. However, given the implications of and new well-being requirements triggered by the COVID-19 pandemic, the Applicant believes that installing highly effective ventilation systems is an important trade-off for a few number of additional energy efficiency points.

Consistent with the planned net-zero energy construction code certification, the Applicant has incorporated the three pillars of net-zero energy design into the project, including energy efficient design strategies (e.g., building envelope, high-efficiency systems, energy recovery), production of on-site renewable energy, and incorporation of off-site renewable energy purchasing

strategies. Accordingly, the Applicant's sustainability plan for the project is fully aligned with the planned net-zero energy code change.

5. DOEE Comment re: Solar: *Integrate solar photovoltaic arrays into green roofs. If unable to install solar at the time of construction, plan for solar-ready roofs.*

Applicant's Response: The Applicant proposes to provide photovoltaic ("PV") panels above the green roof on the Residential Building, which will off-set power for both the Residential and Hotel portions of the Center Block. As shown on the penthouse plan included with the Drawings, the PV panels are located on almost the entirety of the Residential Building's penthouse roof, such that the Applicant has already maximized the amount of solar over green roof on the Residential Building. This results in approximately 2,000 square feet of the Residential Building's roof being dedicated to PV panels.

The Applicant is not proposing to locate PV panels on top of the Hotel Building's green roof. However, at the suggestion of DOEE, the Applicant will install infrastructure that would make the Hotel Building be "solar ready" should the Applicant choose to install PV panels in the future. Moreover, the Applicant estimates that the PV panels located on the roof of the Residential Building will offset approximately 1.5% of the energy usage for both the Residential Building and Hotel Building. In place of PV on the hotel, the Applicant has designed the hotel roof to include extensive green roof areas.

Moreover, and as stated above, this second-stage PUD application is fully consistent with the approved first-stage PUD and all applicable Zoning Regulations, such that the Commission's review of the application is limited and does not involve a re-balancing of the project's benefits with the development incentives requested and potential adverse effects. Accordingly, the solar panels provided on the Residential Building, which will generate energy off-sets for both buildings, is already an increase to the public benefits package which is not otherwise required.

6. DOEE Comment re: Electric Vehicles: *Consider providing electric vehicle charging stations or installing make-ready infrastructure so that charge points can be added at a later date.*

Applicant's Response: The existing below-grade garage associated with the overall Capitol Crossing development project already has eight electric vehicle ("EV") charging stations installed on the P1 and P3 parking levels. However, the garage is designed to accommodate a total of 297 EV charging stations, out of the 1,146 total parking spaces, should the demand increase.

7. DOEE Comment re: Climate Resilience: *Assess how climate change will affect the project and to incorporate resilient design strategies.*

Applicant's Response: The Applicant has designed the Residential and Hotel Buildings to address climate change and resiliency through a variety of sustainable design features and best practices, including the provision of green roof areas and on-site stormwater collection. Green roof areas and increased shade throughout the development site will reduce solar heat generation and aid in reducing the heat island effect. The collection and reuse of on-site stormwater will help to

accommodate increased precipitation associated with severe storms. As part of the LEED Master Site, the entire Capitol Crossing PUD will capture approximately 90% of stormwater run-off.

In addition, the HVAC systems proposed for the Residential and Hotel Buildings have been sized with buffers to account for climate change over the next several decades and to buffer the potential for increased temperature. Backup electrical power has also been provided for both buildings to support code-required life-safety systems and program elements. Accordingly, the buildings have been designed to include climate resilient strategies and address the realities of climate change.

8. DOEE Comment re: GAR and Solar: Maximize solar energy generation by also integrating a solar photovoltaic array into the hotel's green roof to maximize GAR.

Applicant's Response: Development of the Residential and Hotel Buildings is exempt from the GAR requirements pursuant to 11-C DCMR § 601.4(b)(1), since they are consistent with an unexpired first-stage PUD that was approved prior to October 1, 2013.

As noted above, the Applicant has analyzed the solar potential for the Residential and Hotel Buildings and proposes to provide solar panels that will contribute to an energy offset for both buildings' energy production.

9. DOEE Comment re: Stormwater Management: Exceed the minimum stormwater retention requirements.

Applicant's Response: Cisterns for the overall Capitol Crossing development project were designed and built on-site in 2013-2015 as part of the construction of the platform and base infrastructure. This in-place stormwater management system has been designed to accommodate stormwater from all of the Capitol Crossing buildings, including the Residential and Hotel Buildings, in addition to stormwater from the Jewish Historic Society and the Holy Rosary Church. As such, this system significantly exceeds the LEED stormwater design requirements.

More generally, the Capitol Crossing PUD transformed a 12-acre stretch of highway into a sustainable, walkable, mixed-use community. The project enabled the productive use of otherwise undevelopable and entirely impervious land, thus reducing development pressure elsewhere and establishing higher densities in transit-oriented areas of the District. The overall project significantly improved site conditions through sustainable practices that go beyond the minimum LEED requirements. Stormwater management systems are designed to reduce on-site runoff by over 35%; use of grey water for landscape irrigation reduces water use for landscaping by 50%; and on-site water harvesting techniques reduce potable water use by approximately 45%. Eco-chimneys filter garage exhaust before being released into the air, and thoughtfully-designed landscaping restores existing black asphalt pavement to green lung spaces. Moreover, new sidewalks, bicycle infrastructure, and convenient access to public transportation all associated with the Capitol Crossing development project positively impact the neighborhood and create a vibrant environment while reducing fossil fuel use. Accordingly, the project not only will exceed stormwater retention requirements, but the overall PUD has been designed as a highly sustainable and environmentally-friendly infill development project.

III. Update on ANC Support

The Applicant has continued to engage with the two affected ANCs 2C and 6C on the subject application. On September 14, 2021, at its regularly scheduled and duly noticed public meeting with a quorum of commissioners present, ANC 2C voted unanimously (3-0-0) to support the application. At that presentation, the Applicant responded to all questions from the ANC commissioners and the public, and addressed all comments raised.

The Applicant is scheduled to present the application at ANC 6C's October 6 and 13, 2021 public meetings and will provide an update on the ANC's support for the project at the public hearing on this case.

The Applicant looks forward to the Zoning Commission's consideration of this application at the public hearing on October 21, 2021.

Sincerely,

HOLLAND & KNIGHT, LLP



Christine M. Shiker.



Jessica R. Bloomfield

Attachment

cc: Certificate of Service
Joel Lawson, Office of Planning (via email, with attachment)
Anne Fothergill, Office of Planning (via email, with attachment)
Jonathan Rogers, District Department of Transportation (via email, with attachment)
Emma Blondin, District Department of Transportation (via email with attachment)

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2021, a copy of the foregoing Supplemental Prehearing Submission and associated attachment were served on the following by email:

Jennifer Steingasser
D.C. Office of Planning
jennifer.steingasser@dc.gov

Advisory Neighborhood Commission 2C
2C@anc.dc.gov

Commissioner Gigi Nelson
Advisory Neighborhood Commission 2C03
2C03@anc.dc.gov

Commissioner Michael Shankle, Chair
Advisory Neighborhood Commission 2C
2C01@anc.dc.gov

Advisory Neighborhood Commission 6C
6C@anc.dc.gov

Commissioner Karen Wirt, Chair
Advisory Neighborhood Commission 6C02
6C02@anc.dc.gov

Commissioner Mark Eckenwiler
Advisory Neighborhood Commission 6C04
6C04@anc.dc.gov


Jessica R. Bloomfield