

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission



ZONING COMMISSION ORDER NO. 08-34F  
Z.C. Case No. 08-34F  
Capitol Crossing V, LLC  
(Minor Modification to Second-Stage PUD @ Square 568)  
May 23, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on May 23, 2016. At the meeting, the Commission approved an application of Capitol Crossing V, LLC<sup>1</sup> ("Applicant") for minor modifications to an approved second-stage planned unit development ("PUD") for property consisting of Lot 862 in Square 568 ("Site"), which is a portion of Lot 44 in Square 568 ("South Block"). Because the modifications were deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of 11 DCMR §§ 2409.9 and 3030.

**FINDINGS OF FACT**

1. By Z.C. Order No. 08-34, dated May 23, 2011, and effective on July 1, 2011, the 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, N.W. to the north, 2<sup>nd</sup> Street, N.W. to the east, E Street, N.W. to the south, and 3<sup>rd</sup> Street, N.W. to the west ("Overall PUD Site"); (ii) a consolidated PUD for a portion of the Overall PUD Site; and (iii) a Zoning Map amendment to the Overall PUD Site to the C-4 Zone District. Development of the South Block was approved as part of the first-stage PUD.
2. Pursuant to Z.C. Order No. 08-34A, dated January 28, 2013, and effective on March 1, 2013, the Commission approved a second-stage PUD for the South Block 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 have 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").
3. The approved building was designed to create an appropriate massing for the large development block and is organized into two parallel bars with a full-height glass atrium in the center. The bulk of the massing is along 2<sup>nd</sup> and F Streets, while the building steps

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<sup>1</sup> The original applicant in Z.C. Case No. 08-34A was Center Place Holdings, LLC.

down on the west side closer to 3<sup>rd</sup> and F Streets. Entrances on E, F, and 2<sup>nd</sup> 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 was approved to have a structurally-glazed unitized curtain wall system with laminated glass fins projecting from the face of the wall at various angles. The fins were intended to provide texture to the contemporary glass structure.

4. By letter dated April 21, 2016 (Exhibit [“Ex.”] 1), the Applicant requested minor modifications to the architectural drawings approved by Z.C. Order No. 08-34A to revise (i) the site plan by eliminating the previously-approved eco-chimney; (ii) the building façade with respect to the glass treatment and the design of the 11<sup>th</sup> floor terrace; and (iii) the penthouse design and use. The Applicant submitted architectural plans and elevations showing the proposed modifications. (Ex. 1D1-1D5.)
5. Minor Modifications to the Site Plan: Elimination of the Eco-Chimney. Pursuant to Z.C. Order No. 08-34A, the approved 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. The eco-chimney was located on the west side of the Site. The Applicant requested a minor modification of the site plan to eliminate the eco-chimney. The requirements relating to the volume of air that must be treated changed with the adoption of the D.C. Construction Code Supplement of 2013. Based on the new requirements, the eco-chimney on the Site is no longer required. The Applicant otherwise did not request any other modifications to the layout or program of the approved site plan.
6. Minor Modifications to the Building Façade: Glass Façade Treatment. The Applicant requested a minor modification to replace the building’s 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 five-inch module. Glass fins were applied to the wall every two feet, six inches and were positioned in one of three directions to create texture across the façade that resulted in a visual depth and broke down the scale of the building.
7. The Applicant’s revised façade transforms the “additive” fin elements into integrated features. The wall system is maintained as a curtain wall comprised of floor-to-ceiling glass and a metal spandrel on a five-foot module. The modified façade has two variations: (i) a flat wall; and (ii) an angled wall, which together appear 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 approved. The angular glass is integrated into the building directly, rather than added on. The juxtaposition of the two variants in the wall results in a building with appropriate scale along the street wall and an overall massing that is appropriate for the Site.
8. Minor Modifications to the Building Façade: 11<sup>th</sup> Floor Terrace. The Applicant requested a minor modification to infill one level of the approved two-story terrace at the building’s

southeast corner. The infill occurs on the 11<sup>th</sup> floor, with the terrace to be re-located to the 12<sup>th</sup> floor. This modification allows the building's south façade to better coordinate with its north façade, which was already approved to be filled in at the 11<sup>th</sup> floor. The proposed infill does not increase the Site's approved FAR.

9. Minor Modification to Penthouse Design and Use. Pursuant to 11 DCMR § 411.24, the Applicant requested a minor modification to revise the design of the building's penthouses to incorporate habitable space on the main roof and a trellis with landscaping on the lower roof. The habitable space is permitted by virtue of the penthouse regulations adopted by Z.C. Order No. 14-13.
10. Pursuant to Z.C. Order No. 08-34A, the Commission granted flexibility to permit multiple penthouses on the building, with the approved design incorporating 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 penthouse setbacks are measured from the building's exterior walls at the level immediately below the roof and are set back at least 1:1 in all locations. (Ex. 1E.) The penthouse heights also comply with the requirements set forth in the penthouse regulations. The result of the proposed modifications is a reduction in the amount of penthouse flexibility granted in Z.C. Order No. 08-34A, due to the elimination of two penthouses.
11. The proposed habitable space in the penthouse will include office, communal or other permitted use. If the habitable space is ultimately targeted for restaurant use, then the Applicant will return to the Commission for approval of a special exception in accordance with 11 DCMR§ 411.4(c).
12. Pursuant to 11 DCMR § 414, the existence of new penthouse habitable space triggers a requirement for the Applicant to contribute to the production of affordable housing. Accordingly, the Applicant will make a contribution to the Housing Production Trust Fund in accordance with the requirements set forth in 11 DCMR §§ 414.13 through 414.16.
13. The Applicant served the minor modification request on Advisory Neighborhood Commissions ("ANC") 2C and 6C. ANC 2C submitted a letter in support of the proposed minor modification, stating that at its regularly scheduled, duly noticed meeting on April 11, 2016, with a quorum of commissioners and the public present, ANC 2C voted unanimously (3-0-0) to support the application. (Ex. 4.) ANC 6C also submitted a letter in support of the proposed minor modifications, stating that at its regularly scheduled, duly noticed meeting on April 13, 2016, with a quorum of commissioners and the public present, ANC 6C voted unanimously (5-0-0) to support the modifications. (Ex. 3.)

14. The Office of Planning (“OP”) reviewed the request for minor modifications. By report dated May 13, 2016, OP recommended approval of the minor modifications. (Ex. 5.)
15. On May 23, 2016, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for minor modifications to the approved second-stage PUD.
16. The Commission finds that the requested modifications are minor, and further finds that approval of the modifications is appropriate and not inconsistent with its approval of the original PUD.

### **CONCLUSIONS OF LAW**

Upon consideration of the record in this application, the Commission finds that the proposed modifications are consistent with the intent of the previously approved Z.C. Order No. 08-34A, and are not inconsistent with the Comprehensive Plan.

The Commission concludes that approving the modifications is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030. Moreover, the Commission finds that this application meets the filing requirements of 11 DCMR §§ 411.24 and 411.25 to permit penthouse habitable space to be added to a building approved by the Commission as a PUD prior to January 8, 2016.

The Commission further concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

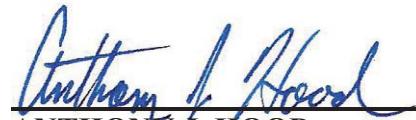
Finally, the Commission finds that the modifications do not affect the essential impact of the approved PUD, including use, height, bulk, parking, or lot occupancy. The modifications are minor such that consideration as a Consent Calendar item without public hearing is appropriate.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for modifications to the approved second-stage PUD as set forth in Findings of Fact 5 through 12 and subject to the architectural plans and elevations included in the record at Exhibit 1D.

At its public meeting on May 23, 2016, upon the motion of Commissioner May, as seconded by Commissioner Cohen, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to approve and adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 5, 2016.



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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**



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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF PLANNING**