

**BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**PREHEARING SUBMISSION FOR A
SECOND-STAGE PLANNED UNIT DEVELOPMENT**

**CAPITOL CROSSING CENTER BLOCK
SQUARE 566, LOTS 861-862**

Z.C. Case No. 08-34L

July 14, 2021

HOLLAND & KNIGHT LLP
800 17th Street, NW, # 1100
Washington, D.C. 20006
(202) 955-3000
Christine M. Shiker, Esq.
Jessica R. Bloomfield, Esq

TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
LIST OF EXHIBITS.....	4
I. INTRODUCTION.....	5
II. SUMMARY OF APPROVED PUD AND PRIOR ZONING APPROVALS.....	5
A. THE OVERALL PUD SITE.....	5
B. THE PROPERTY	6
III. SUMMARY OF THE PROPOSED SECOND-STAGE PUD	7
IV. SETDOWN RECOMMENDATION	8
V. INFORMATION REQUESTED BY THE ZONING COMMISSION	8
VI. INFORMATION REQUESTED BY THE OFFICE OF PLANNING	10
VII. UPDATE ON COMMUNITY ENGAGEMENT.....	12
VIII. CONCLUSION	13

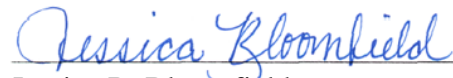
CERTIFICATION OF COMPLIANCE
WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS

The undersigned hereby certifies that, in accordance with Subtitle Z § 401 of the Zoning Regulations, the following information was filed with the Zoning Commission on July 14, 2021, and, in accordance with Subtitle Z § 401.5, the application shall not be modified less than twenty (20) days prior to the public hearing.

<u>Subtitle Z</u>	<u>Description</u>	<u>Page/Exhibit</u>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning	Submitted herewith
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Exhibit B
401.1(c)	Outlines of witness testimony and resumes of expert witnesses	Exhibit C
401.1(d)	Additional information introduced by the Applicant	Submitted herewith
401.1(e)	Reduced plan sheets	Exhibit A
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Ex. 3I to case record
401.1(g)	Estimated time required for presentation of Applicant's case	Exhibit B
401.3(a)	Names and addresses of owners of all property within 200 feet of the subject property	Exhibit D
401.8	Report by Traffic Consultant	To be submitted no later than 30 days prior to public hearing

Respectfully submitted,

HOLLAND & KNIGHT LLP



Jessica R. Bloomfield

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Updated Architectural Drawings	A
List of Witnesses and Time for Presentation	B
Outlines of Witness Testimony and Resumes of Expert Witnesses	C
Updated list of owners of property located within 200 ft. of the subject property	D

I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of CAPITOL CROSSING III LLC and CAPITOL CROSSING IV LLC (together, the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) for a second-stage planned unit development (“PUD”) for property located at Square 566, Lots 861 and 862 (part of Record Lot 50) (together, the “Property” and individually “Lot 861” and “Lot 862”).¹ With this information, the Applicant respectfully requests that the Zoning Commission schedule a public hearing on the application.

The second-stage PUD application was submitted in accordance with Subtitle X, Chapter 3 and Subtitle Z of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). Pursuant to 11-A DCMR §§ 102.1 and 102.3(a), the second-stage PUD application for the Property has vested development rights under the 1958 Zoning Regulations because the architectural drawings submitted with the application, as supplemented herein, are consistent with the unexpired first-stage PUD for the Property, which was approved prior to the effective date of the 2016 Zoning Regulations. Accordingly, all zoning tabulations are based on the 1958 Zoning Regulations.

II. SUMMARY OF APPROVED PUD AND PRIOR ZONING APPROVALS

A. The Overall PUD Site

Pursuant to Z.C. Order No. 08-34, effective as of July 1, 2011 (the “Original Order” and included in the record at Ex. 3A), 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

¹ Following submission of the second-stage PUD application, a division of lots disclaimer was issued by the Office of Tax and Revenue 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.

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 the platform and development of the northern portion of the Overall PUD Site known as the “North Block;” and (iii) a Zoning Map amendment to the C-4 District under the 1958 Zoning Regulations for the Overall PUD Site (the “Overall PUD”). A summary of the approved uses, square footages, and parking and loading plans for the Overall PUD are included in the Applicant’s Statement in Support included in the case record at Exhibit 3, pp. 6-8. The Statement in Support also summarizes the Commission’s findings from the Original Order that the Overall PUD is not inconsistent with the Future Land Use and Generalized Policy Maps of the District of Columbia Comprehensive Plan, the guiding principles and major elements of the Comprehensive Plan, and the applicable Zoning Regulations. *See Ex. 3, pp. 7-8.*

B. The Property

As it relates specifically to the Property, the Original Order approved a first-stage PUD to develop (i) Lot 861 with a new commercial building containing approximately 297,311 square feet of gross floor area (“GFA”) devoted to office and ground floor retail uses (the “Commercial Building”); and (ii) Lot 862 with a new residential building with approximately 180,384 square feet of GFA devoted to approximately 150 residential units and ground floor retail (the “Residential Building”). The individual components of the Center Block, which also include facilities for the Holy Rosary Church, were approved to be connected internally at or above the level of the main floor to form a single building with frontage on 3rd Street, NW. Based on the Center Block’s frontage on 3rd Street, NW, which has a right-of-way width of 110 feet, the Center Block building was approved to have a maximum height of 130 feet under the 1910 Height Act and the C-4 Zone District.

Pursuant to Z.C. Order No. 08-34K, effective as of October 30, 2020 (Ex. 3B), the Zoning Commission approved a Modification of Significance for Lot 861 to add lodging and college/university educational uses to the permitted uses in the Commercial Building. The modification approved in Z.C. Order No. 08-34K did not include any changes to the overall height, bulk, or density of the Commercial Building approved by the Original Order. As part of the subject second-stage PUD application, the Applicant has confirmed that the Commercial Building will be devoted to lodging use. Thus, the Commercial Building is hereinafter referred to as the “Hotel Building.”

III. SUMMARY OF THE PROPOSED SECOND-STAGE PUD

As shown on the architectural plans and elevations included in the case record at Exhibit 3G (the “Architectural Drawings”), as supplemented by the revised sheets attached hereto as Exhibit A (the “Supplemental Drawings”), the design for the Center Block consists of two distinct yet complimentary structures: the Residential Building and the Hotel Building, which are connected through a shared two-story podium and are considered a single building for zoning purposes (hereinafter the podium, Residential Building, and Hotel Building are referred to collectively as the “Building”).

The design of the podium incorporates ground floor retail, a residential lobby on G Street, a hotel lobby on F Street, and a north-south connection between F and G Streets to provide secondary hotel access from G Street. These complementary uses, program, and ground floor layout provide links to the adjacent blocks and create a hub of activity in the Center Block for the overall Capitol Crossing development.

The Applicant’s Statement in Support (Exhibit 3) includes the following information:

- Detailed descriptions of the Building’s proposed architecture and massing, programming, materials, sustainability elements, public and private outdoor spaces, and parking and loading facilities. *See* Ex. 3, pp. 11-15.

- Descriptions of the zoning and design flexibility approved for the Overall PUD in the Original Order, proposed updates to the approved design flexibility for the Building, and justification for special exception relief to permit nightclub, bar, cocktail lounge, and/or restaurant uses within the penthouse of the Hotel Building pursuant to 11-C DCMR § 1500.3 and 11-X DCMR § 901.2. The Statement in Support also confirms that new zoning flexibility is not requested as part of the subject second-stage PUD application. *See Ex. 3, pp. 15-20.*
- The Applicant’s proposed phasing plan for the second-stage PUD applicable to the Residential and Hotel Buildings. *See Ex. pp. 19-20.*
- An analysis as to how the second-stage PUD meets the standards of the Zoning Regulations for approval of a PUD. *See Ex. pp. 20-24.*
- A summary of the Applicant’s engagement with the community since filing its Notice of Intent to file the subject application, including its communications with the affected Advisory Neighborhood Commissions (“ANCs”) 2C and 6C. *See Ex. p. 25.*
- A summary of the Applicant’s engagement with the Office of Planning (“OP”) and updates to the project based on initial feedback from OP. *See Ex. pp. 25-26.*

IV. SETDOWN RECOMMENDATION

By report dated May 28, 2021 (Exhibit 11), OP recommended setdown of the application (the “OP Setdown Report”). At its public meeting of June 10, 2021, the Zoning Commission voted to schedule the case for a public hearing. Both OP and the Zoning Commission referenced additional information that would be helpful to have prior to the public hearing, which is provided in Sections V and VI herein.

In addition to responses to comments from OP and the Zoning Commission, this Prehearing Submission also includes the information required pursuant to 11-Z DCMR §§ 401.1-401.4. Accordingly the Applicant requests that the Zoning Commission schedule a public hearing for consideration of this application.

V. INFORMATION REQUESTED BY THE ZONING COMMISSION

At its public meeting of June 10, 2021, the Zoning Commission considered the application and voted 5-0-0 to setdown the application for a public hearing. The Zoning Commission did not

raise any concerns and only asked for clarification as to whether Z.C. Case Nos. 08-34I and 08-34J had previously been withdrawn. In response, the Applicant provides the following summary on each of the cases approved for the Overall PUD Site:

- Z.C. Case No. 08-34 – Approved (i) a first-stage PUD for the Overall PUD Site; (ii) a consolidated PUD for the platform and the North Block; and (iii) a Zoning Map amendment to the C-4 District for the Overall PUD Site;
- Z.C. Case No. 08-34A - Approved a second-stage PUD for development of a portion of the South Block;
- Z.C. Case No. 08-34B - Approved a time extension for portions of the consolidated PUD;
- Z.C. Case No. 08-34C - Approved a second-stage PUD for the portion of the Center Block involving the Holy Rosary Church facilities;
- Z.C. Case No. 08-34D – Request for a first-stage PUD modification for the Holy Rosary Church was **withdrawn** and consolidated with Z.C. Case No. 08-34C;
- Z.C. Case No. 08-34E - Approved modifications to the consolidated PUD for the North Block;
- Z.C. Case No. 08-34F - Approved modifications to the second-stage PUD for a portion of the South Block approved by Z.C. Order 08-34A;
- Z.C. Case No. 08-34G - Approved additional modifications to the consolidated PUD for the North Block, as previously modified by Z.C. Order No. 08-34E;
- Z.C. Case No. 08-34H - Approved a second-stage PUD for a portion of the South Block;
- Z.C. Case No. 08-34I – Request for a modification of consequence to the first-stage PUD to convert the Residential Building to hotel use was **withdrawn**;
- Z.C. Case No. 08-34J – Request for a modification of consequence to the first-stage PUD to permit office, hotel, and/or educational uses in the Commercial Building was **withdrawn** and refiled as a modification of significance decided in Z.C. Case No. 08-34K;
- Z.C. Case No. 08-34K - Approved a modification of significance to the first-stage PUD to permit office, hotel, and/or educational uses in the Commercial Building.

VI. INFORMATION REQUESTED BY THE OFFICE OF PLANNING

The following chart identifies OP’s comments on the application as set forth in the OP

Setdown Report and the Applicant’s responses thereto:

OP Comment	Applicant’s Response
<p>1. <u>Public Space on 2nd Street</u>: The Applicant should consider the proposed pedestrian experience along the east (2nd Street) sidewalk of the building. This is a narrow 10' sidewalk with a concrete wall on one edge between the pedestrian and the submerged freeway. A considerable portion of the facade at ground level is slated for retail, and a portion of the building is set back to allow for a wider sidewalk at the south end of the building.</p> <p>The Applicant should show that this portion of the retail storefront would have high transparency and avoid long blank walls to prevent an anti-pedestrian or uncomfortable experience along 2nd Street.</p> <p>More detail should be provided regarding the design of the wall/barrier to the freeway, its height and material, and whether there is opportunity for a mural or other public art to help this space feel more welcoming.</p>	<p>As shown on the Supplemental Drawings, the Applicant has provided additional images that help to depict the pedestrian experience along 2nd Street. As shown on those drawings, significant glazing is proposed at the corners of the building where 2nd Street intersects with F and G Streets. In these locations, a high level of transparency is being provided into the retail and hotel bar/restaurant uses located within the building, thus enlivening the streetscape and improving the pedestrian experience.</p> <p>Between the retail at the corners of the building on 2nd Street is back-of-house space for the retail, residential, and hotel uses. The back-of-house uses have been purposely clustered in this location because it is directly adjacent to the I-395 highway off-ramp portal where vehicles exit the highway onto 2nd Street. Accordingly, the Applicant designed a more opaque façade in this center location using a combination of rough and smooth scalloped concrete and bronze to provide architectural interest in a section of the building that is less desirable for retail use and associated ground floor glazing. The result is an attractive and sophisticated ground floor elevation in a location where retail is unrealistic and glazing is inappropriate adjacent to the highway. Further, the Applicant believes that this elegant break in the glass facades correspond to the materiality and design of the rest of the building, thus eliminating the need for a mural or other public art piece in this location.</p>
<p>2. <u>Tree Canopy in Public Space</u>: The plans should provide shade and comfort through a</p>	<p>The landscaping and streetscape design for the overall PUD, including the improvements located along F, G, 2nd and 3rd Streets adjacent to the Center Block, were approved as part of</p>

<p>continuous tree canopy on all sidewalks both on the proposed streets and existing ones.</p>	<p>the Consolidated PUD in Z.C. Order No. 08-34, and are not part of the subject second-stage PUD application.</p> <p>The specific public space design elements were subsequently approved by the DDOT Public Space Committee (“PSC”) in 2017 (Tracking No. 201052, originally heard on May 25, 2017, and approved on October 26, 2017). Accordingly, all of the public space improvements, including the number, type, and spacing of street trees and the decision to locate them in elevated planter boxes, as required by the structural constraints associated with building on top of a bridge, have previously been evaluated and approved by the Zoning Commission and the PSC.</p> <p>As described in the Applicant’s Statement in Support, and as shown on Sheets 11-20 and 11-21 of the Architectural Drawings (Exhibit 3G), the Applicant does not propose any changes to the approved public space plans, other than the following minor adjustments: (i) removal of one of the four planters in front of the Hotel Building’s south lobby entrance and reallocating the distance between the remaining three planters; and (ii) slightly reducing the length of the planters.</p> <p>Moreover, as shown on Sheet 11-20 of the Architectural Drawings, which is an excerpt of the previously-approved public space plans, the Applicant proposes a significant number of street trees in public space on all four streets surrounding the Building. The trees surrounding the Center Block are primarily comprised Little Leaf Linden, Magnolia, and Japanese Snowbell.</p>
<p>3. <u>2nd Street Building Projections</u>: It appears that a portion of the residential building facing 2nd Street projects into the public right-of-way. (DDOT ROW is 90 feet, but the property line is 10 feet from the freeway wall). The Applicant should consult the Public Realm Design Manual for guidance on projections</p>	<p>The Applicant is evaluating the extent of the public space projections to ensure that they comply with the DC Construction Code and will provide an update with any proposed revisions prior to the public hearing on this case.</p>

<p>over narrow sidewalks to determine what can be supported at this location:</p> <ol style="list-style-type: none"> 1. Cornices, bases, water tables, and pilasters. 2. Open balconies projecting up to 3 feet. 3. Awnings, canopies, and marquees up to 18 inches over windows. 4. Awnings, canopies, and marquees up to 3 feet over primary entrances. 	
---	--

VII. UPDATE ON COMMUNITY ENGAGEMENT

As described in the Applicant’s Statement in Support, prior to filing the application the Applicant presented the second-stage PUD application to both of the affected ANCs, which in this case are ANCs 2C and 6C. The Applicant presented at ANC 2C’s regularly scheduled and duly noticed public meeting on March 10, 2021, and at ANC 6C’s Planning Zoning and Economic Development committee on March 3, 2021. The Applicant received positive feedback at both meetings and responded to questions posed by the community and the ANC Commissioners. The Applicant has continued to engage with the ANCs and will work closely with the community throughout the application process and provide further updates to the Commission regarding its continued community engagement prior to the public hearing on this case.

VIII. CONCLUSION

This Prehearing Submission, along with the materials included as part of the original application (Exhibits 1-3M) meet the filing requirements for a second-stage PUD as required by Subtitle X, Chapter 3 and Subtitle Z of the Zoning Regulations. Accordingly, for the reasons set forth in the original application and in this Prehearing Submission, the Applicant respectfully requests that the Zoning Commission schedule a public hearing on the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Christine Shiker
Christine M. Shiker

By: Jessica Bloomfield
Jessica R. Bloomfield

a