

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

**APPLICATION FOR A  
SECOND-STAGE PLANNED UNIT DEVELOPMENT**

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

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**April 23, 2021**

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

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**DEVELOPMENT TEAM**

Applicant: Capitol Crossing III LLC and Capitol Crossing IV LLC  
PGP Development, LLC  
200 Massachusetts Avenue NW, Suite 420  
Washington, D.C. 20001

Architects: Ennead Architects  
1 World Trade Center 40th Floor  
New York, NY 10007

Landscape Architects: Terrain Work  
120 Broadway, 20th Floor  
New York, New York 10271

Civil Engineers: Langan  
1300 Wilson Blvd.  
Arlington, VA 22209

Traffic Consultants: Wells + Associates  
1420 Spring Hill Rd #610  
McLean, VA 22102

Land Use Counsel: Holland & Knight LLP  
800 17<sup>th</sup> Street, NW – Suite 1100  
Washington, DC 20006

**LIST OF EXHIBITS**

<b>Description</b>	<b>Exhibit</b>
Zoning Commission Order No. 08-34	A
Zoning Commission Order No. 08-34K	B
Zoning Map	C
Surveyor's Plat	D
Future Land Use Map	E
Generalized Policy Map	F
Architectural Plans and Elevations (the "Second-Stage Plans")	G
Affordable Housing Location Plan	H
List of Publicly Available Information	I
Form 100 – Application Signature Page	J
Certificate of Notice, Notice of Intent, and 200 foot Property Owners List	K
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## **I. INTRODUCTION**

This statement and the attached documents are submitted on behalf of Capitol Crossing III LLC and Capitol Crossing IV LLC (together, the “Applicant”)<sup>1</sup> in support of an 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”).<sup>2</sup>

Pursuant to Z.C. Order No. 08-34, effective as of July 1, 2011 (the "Original Order") (Exhibit A), the Zoning Commission approved the overall Capitol Crossing development project, which included approval of a first-stage PUD to develop (i) Lot 861 with a new commercial building containing office use with ground floor retail (the “Commercial Building”); and (ii) Lot 862 with a new residential building with ground floor retail (the “Residential Building”). Pursuant to Z.C. Order No. 08-34K, effective as of October 30, 2020 (Exhibit B), 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 subject application is 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 herewith are consistent with the unexpired first-stage

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<sup>1</sup> The original applicant in Z.C. Case No. 08-34 was Center Place Holdings LLC, on behalf of the District of Columbia through the Office of the Deputy Mayor for Planning and Economic Development. Capitol Crossing III LLC and Capitol Crossing IV LLC are the current owners of the Property.

<sup>2</sup> The Applicant filed a division of lots application on March 22, 2021, to resolve an inaccurate lot line location for the Holy Rosary Church site, which will impact the exact lot line configuration for Lot 861 and reduce its land area by approximately 68 feet. The Office of Tax and Revenue will assign (i) Lot 861 a new designation as Lot 864; (ii) Lot 863 a new designation as Lot 865; and (iii) Lot 7000 a new designation as Lot 7001. The modification will not materially affect development of the project proposed in the subject second-stage PUD application.

PUD for the Property that was approved prior to the effective date of the 2016 Zoning Regulations. Accordingly, all zoning tabulations are based on the 1958 Zoning Regulations.<sup>3</sup>

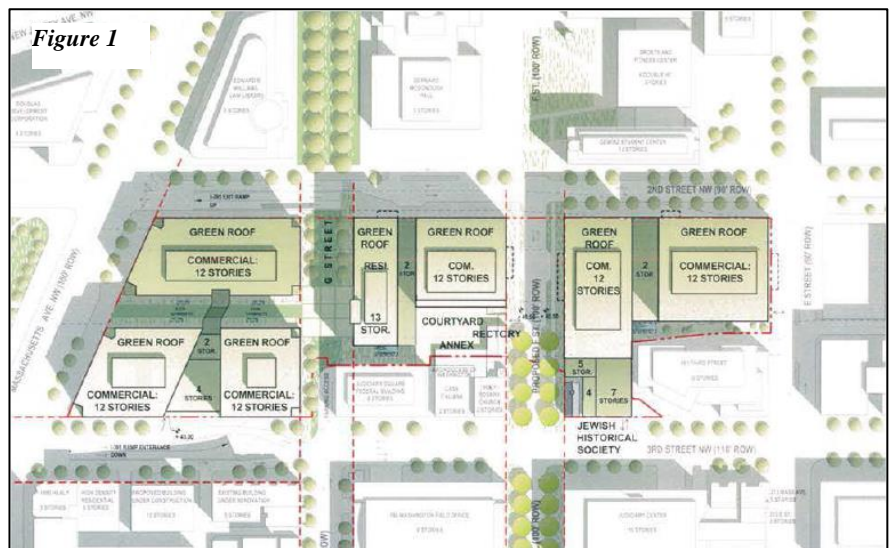
## II. BACKGROUND

### A. The Overall PUD Site and Prior Approvals

Pursuant to the Original Order, 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 Avenue, NW to the north, 2<sup>nd</sup> Street, NW to the east, E Street, NW to the south, and 3<sup>rd</sup> Street, NW to the west (the “Overall PUD Site”); (ii) a consolidated PUD for the platform and the North Block;<sup>4</sup> and (iii) a Zoning Map amendment to the C-4 District for the Overall PUD Site. A portion of the Zoning Map showing the Overall PUD Site is attached hereto as Exhibit C. The approved

development of the Overall PUD Site is hereinafter referred to as the “Overall Project” and shown on Figure 1:

The Overall PUD Site is divided into three segments: Square 564, Lots 858 and 859



(the “North Block”), Square 566, Lots 860-863 and 7000 (the “Center Block”), and Square 658, Lots

<sup>3</sup> Pursuant to 11-A DCMR § 102.4, the applicant in Z.C. Case No. 08-34K (Capitol Crossing IV LLC) demonstrated that the modification to add lodging and college/university educational uses to the Commercial Building conformed to the 2016 Zoning Regulations as they applied to the requested change in use.

<sup>4</sup> Specifically, the consolidated PUD included (i) the entire platform and base infrastructure; (ii) the mix of uses, height, and density of each building, and the site plan for the Overall Project; (iii) the North Block; (iv) the construction of all below-grade parking, concourse, and service levels; and (v) the landscaping and streetscape design for the Overall Project.

862-864 and 7000 (the “South Block”). The Original Order approved an approximate gross floor area (“GFA”) of 2,226,625 square feet for the Overall Project, or 8.74 floor area ratio (“FAR”) based on the Overall PUD Site, including:

- Approximately 1,910,386 square feet of GFA devoted to office uses;
- A minimum of 62,687 square feet of GFA devoted to retail uses;
- Approximately 180,384 square feet of GFA devote to residential uses; and
- Approximately 73,168 square feet of GFA devoted to institutional uses related to the Holy Rosary Church (“HRC”) and the Jewish Historical Society (“JHS”).

The Original Order also approved (i) a total of 1,146 parking spaces for the Overall Project, located in the shared below-grade parking garage; and (ii) one 55-foot loading berth with one 200 square foot platform, eight 30-foot loading berths with eight 100 square foot platforms, and four service delivery spaces, all located within the below-grade loading facility.

The Applicant subsequently modified and extended the Original Order as well as obtained second-stage approvals as follows:<sup>5</sup>

- 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 in the Center Block;
- 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 to 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; and
- Z.C. Case No. 08-34K - Approved modifications to the first-stage PUD for the Commercial Building in the Center Block.

In approving the Original Order, the Commission found that the Overall Project advanced the purposes of the Comprehensive Plan, was consistent with the Future Land Use and Generalized

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<sup>5</sup> Z.C. Case Nos. 08-34D, 08-34I and 08-34J were withdrawn.

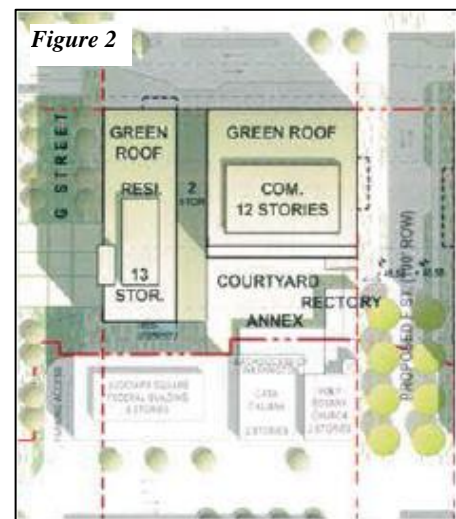
Policy Maps, complied with the guiding principles in the Comprehensive Plan, and furthered a number of the major elements of the Comprehensive Plan. *See* Z.C. Order No. 08-34, Finding of Fact (“FF”) Nos. 87-88; Conclusion of Law (“CL”) No. 8. The Commission also found that the Overall Project carried out the purposes of the 1958 Zoning Regulations under which it was evaluated to encourage the development of well-planned developments which offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development. *See* Z.C. Order No. 08-34, CL No. 3. The Commission found that the Overall Project would reconnect the city, was appropriate for the Overall PUD Site, and would have impacts that were “not unacceptable” and could be approved with conditions to ensure that the potential adverse effects on the surrounding area from the development would be mitigated. *See* Z.C. Order No. 08-34, CL Nos. 5-6. Further, the Commission found that the number and quality of project benefits and amenities offered were more than sufficient trade-offs for the flexibility and development incentives requested. *See* Z.C. Order No. 08-34, CL No. 7.

**B. The Center Block**

As part of the first-stage PUD, the Original Order approved the Center Block to be approved with the following, as shown on Figure 2:

- The Commercial Building with approximately 297,311 square feet of GFA devoted to office and ground-floor retail uses, and a maximum building height of 130 feet and 12 stories;
- The Residential Building with approximately 180,384 square feet of GFA devoted to approximately 150 units and ground-floor retail; and
- Facilities for the HRC.

All of the components within the Center Block were



approved to be connected internally at or above the level of the main floor to form a single building



with frontage on 3<sup>rd</sup> Street, NW. Based on the Center Block's frontage on 3<sup>rd</sup> Street, NW, which has a right-of-way width of 110 feet, the Center Block building was entitled to a maximum height of 130 feet under the 1910 Height Act and the C-4 Zone District.

As noted above, the Zoning Commission previously approved (i) a second-stage PUD for the Holy Rosary Church (Z.C. Order No. 08-34C); and (ii) modifications to the first-stage PUD for Lot 861 to permit office, hotel, and/or educational uses in addition to the approved retail use in the Commercial Building (Z.C. Order No. 08-34K).

### **III. APPROVED FIRST-STAGE PUD FOR THE PROPERTY**

#### **A. Residential Building**

Pursuant to the Original Order, the Residential Building was approved to be developed with approximately 180,384 square feet of GFA devoted to approximately 150 residential units and ground floor retail. The Residential Building was exempt from Inclusionary Zoning based on its C-4 zone classification, but as part of the amenities and benefits package, the Residential Building was approved to include a minimum of 50 units for affordable housing devoted to individuals earning no more than 80% of the Metropolitan Statistical Area median and paying no more than 30% of the family's household income for rent or housing ownership costs (the "Affordable Units"). *See* Z.C. Order No. 08-34, Decision No. B.22. The approved affordable restrictions for the Affordable Units are required to remain in place for a period of 40 years from the date that the first certificate of occupancy for the Residential Building is issued, must be distributed across the housing mix (e.g., if the market rate units have a mix of 30% studios, 40% one-bedrooms, and 30% two-bedrooms, the Affordable Units shall have a similar mix); and must not be concentrated on any one floor or within a floor of the building, provided that the Affordable Units do not need to be located on the top three levels of the building, have prime views, or include bay windows or balconies. *See* Z.C. Order No. 08-34, Decision No. B.22 and FF No. 79(c).

**B. Commercial Building**

Pursuant to the Original Order, the Commercial Building was approved to be developed with approximately 297,311 square feet of GFA devoted to office and ground floor retail uses. In Z.C. Order No. 08-34K, the Commission approved the addition of lodging and college/university educational uses to be permitted within the Commercial Building, and required the Applicant to identify the specific use(s) to be located within the Commercial Building at the time of filing the second-stage PUD application. Specifically, Z.C. Order No. 08-34K modified Decision No. A.4 of the Original Order to require the Overall Project to include approximately 1,910,386 square feet of GFA devoted to office uses, of which up to 276,688 square feet of GFA within the Center Block may be devoted to “lodging” and/or “education, college/university” uses.

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 as established in the first-stage PUD. In approving Z.C. Order No. 08-34K, the Commission found that the proposed modifications to the use of the Commercial Building would be not inconsistent with the Comprehensive Plan, including the Future Land Use and Generalized Policy Maps, the guiding principles, city-wide elements, and Central Washington Area Element. *See* Z.C. Order No. 08-34K, FF No. 13 and CL No. 9. The Commission also found that the modification was consistent with the approved first-stage PUD, as modified and extended, and did not change the Commission’s analysis in granting the first-stage PUD under 11-X DCMR § 304.4, because the modification proposed no changes affecting the first-stage PUD’s consistency with the Comprehensive Plan, mitigation or balancing of potential adverse impacts to ensure no unacceptable impacts, or proffered public benefits. *See* Z.C. Order No. 08-34K, CL No. 8.

In approving the modification, the Commission also concluded that the additional uses would not result in unacceptable project impacts on the surrounding area or on the operation of

city services and facilities that could not be fully mitigated or which were unacceptable given the quality of public benefits in the project. Specifically the Commission found that the uses would not have any adverse transportation impacts compared to the transportation impact of the approved office use for the Commercial Building. *See* Z.C. Order No. 08-34K, CL No. 10.

As set forth herein, the Applicant proposes that the Commercial Building be devoted to lodging use. Accordingly, the “Commercial Building” is hereinafter referred to the “Hotel Building”.

#### **IV. PROPOSED SECOND-STAGE PUD FOR THE PROPERTY**

##### **A. Overall Design Proposal**

As shown on the architectural plans and elevations attached hereto as Exhibit G (the “Second Stage Plans”), 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 as the “Building”). The design of the podium incorporates ground floor retail, a lobby for the Residential Building fronting on G Street, a primary lobby for the Hotel Building on F Street, and a north-south connection to provide access to the Hotel Building from G Street. These uses and the resulting layout provide links to the adjacent blocks and creates a hub of activity for the overall Capitol Crossing development.

The Building is defined by inviting architecture, diverse programming, and outdoor spaces that will anchor the Center Block within the context of the Overall PUD Site. The Residential Building has been designed as the focal point from the north approach, with views and access through the pedestrian way to and from Massachusetts Avenue. At the same time, the Hotel Building has been designed as a unique centerpiece within the neighborhood, successfully creating a contrast between the curtainwall facades of surrounding larger-scale buildings.

## **B. Podium and Shared Garage**

The podium below the two towers will incorporate multiple lobbies into the Building along with open and inviting retail storefronts located at key corners to help activate the surrounding streetscapes. Consistent with Z.C. Order No. 08-34, approximately 20,567 square feet of ground floor retail will be provided within the podium, which will meet the approved 62,687 square foot retail requirement of the Overall PUD.<sup>6</sup> The ground floor also serves as the entry point to the towers above, with two hotel lobbies (one accessed from the north, one from the south) and a single residential lobby (accessed from the north). Internal access between the Building's two frontages facing F and G Streets is provided along a north-south shared corridor. The second floor of the podium includes residential and hotel amenity spaces and an exterior terrace that may serve to provide outdoor space for hotel guests. The material palette for the podium is comprised of white finished precast concrete, glass and aluminum storefronts, and bronze colored accents.

The shared below-grade garage was approved as part of the original consolidated PUD in Z.C. Case No. 08-34, and modified in Z.C. Case No. 08-34E to correspond with the re-aligned highway portal system approved as part of the federal Environmental Impact Statement.<sup>7</sup> The garage has already been constructed, spans the entire Capitol Crossing development project and serves development on the North, South, and Center Blocks. The garage includes a total of 1,146 parking spaces as well as a shared below-grade loading facility that includes eight loading berths,

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<sup>6</sup> Z.C. Order No. 08-34E approved 22,064 square feet of retail for the North Block, and Z.C. Order No. 08-34F approved 20,284 square feet of retail for the South Block. The Applicant intends to increase the amount of retail provided in the North Block, such that it has requested flexibility to decrease the retail square footage proposed for the Center Block so long as the Overall PUD meets the minimum retail square footage required by the Original Order. *See* Section IV(D)(c) herein.

<sup>7</sup> Sheets 10-01 and 10-02 of the Second-Stage Plans show the two below-grade levels that were modified and approved in Z.C. Case No. 08-34E. The architectural drawings approved in Z.C. Case No. 08-34 include plans for the entirety of the below-grade garage, but show an outdated configuration for the highway portals and are therefore not included in the Second-Stage Plans. Nonetheless, the entire garage has been constructed in accordance with the approved plans and has a Certificate of Occupancy.

and four service/delivery spaces. Vehicular access to the garage is provided in two locations – one on 3<sup>rd</sup> Street and one on G Street – and loading access is provided from E Street, NW. Long-term bicycle parking is also located within the garage, and short-term bicycle parking will be provided within the public space adjacent to the entrances of the Residential and Hotel Buildings. Direct elevator access from the garage into the Building is also provided.

**C. Public and Private Outdoor Spaces**

The project establishes a network of public and semi-public spaces by including a diverse mix of programs, such as outdoor gathering spaces, food and beverage concepts, casual meeting and lounge spaces, and open lobbies. The residential tenants, hotel guests, office workers from neighboring buildings, and the community will be able to overlap, helping to achieve the Center Block’s goal as a mixed-use and active nucleus for the Capitol Crossing project.

Public space improvements for the Overall PUD, including for the Center Block, were approved by the DDOT Public Space Committee in 2018. As shown on Sheets 11-20 and 11-21 of the Second-Stage Plans, 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. Landscape designs proposed for the private spaces on the Property are shown on Sheets 11-01 through 11-19 of the Second-Stage Plans.

**D. Residential Building**

The Applicant proposes to develop the Residential Building within the parameters set forth in the first-stage PUD approved pursuant to the Original Order. As shown on the Second Stage Plans, the Residential Building will contain approximately 178,627 square feet of GFA devoted to residential use, plus approximately 7,120 square feet in the penthouse devoted to residential

amenity space. The Residential Building will include approximately 166 residential units, of which 50 units will be affordable according to the terms set forth in the Original Order.

The massing of the Residential Building is elevated above the street level to free-up the ground floor plane for retail and “public” spaces. The façade is divided east and west by an inflection point, which is located at the intersection of the G Street turnaround and the North Block pedestrian way. The material palette for the Residential Building is comprised of white finished precast concrete, glass and aluminum windows, painted aluminum, and wood accents on the roof trellis. Traditional balconies are located on the north façade of the Residential Building while Juliet balconies are provided on the south façade.

The Residential Building has been designed to achieve LEED Gold under LEEDv.3 for Building Design and Construction, consistent with the LEED requirement set forth in the Original Order. The Residential Building will include a variety of sustainable elements and has been designed to tie into the in-place systems provided within the platform. For example, rainwater and groundwater collection will be employed, and solar panels will also be provided on the roof of the Residential Building.

**E. Hotel Building**

The Applicant proposes to develop the Hotel Building within the parameters set forth in the first-stage PUD approved pursuant to the Original Order, as modified by Z.C. Order No. 08-34K. As shown on the Second-Stage Plans, the Hotel Building will be developed as a hotel with approximately 234,837 square feet devoted to hotel use and approximately 8,945 square feet of penthouse space devoted to a bar/restaurant use. The Hotel Building will include a total of approximately 221 hotel rooms.

The Hotel Building takes on a cube-like massing that appears to float above the podium. The façade is composed of a detailed bronze colored grid infilled with glass and aluminum

windows. Alternating canted panels of textured glass are incorporated into the infill composition to add visual interest through a subtle play on geometry, texture, and reflection. The warmth of Hotel Building's façade provides contrast to the cooler materials of the surrounding buildings and subtly references the metal ornament and trim of civic and governmental buildings within the District. The Hotel Building's penthouse will house a bar/restaurant use with a wraparound roof terrace that will provide an outdoor dining experience with views of the surrounding neighborhood and south towards the Capitol Building and the Washington Monument.

The Hotel Building has been designed to achieve LEED Platinum under LEEDv.3 for Building Design and Construction, consistent with the LEED requirement set forth in the Original Order. The Hotel Building will include a variety of sustainable elements and has been designed to tie into the in-place systems provided within the platform. For example, rainwater and groundwater collection will be employed.

#### **IV. FLEXIBILITY UNDER PUD GUIDELINES**

##### **A. Approved Zoning Flexibility**

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. As part of the consolidated PUD approval, the Zoning Commission granted flexibility from the loading requirements of the 1958 Zoning Regulations to allow for shared use of the loading facilities for the Overall Project within a single below-grade loading facility. The loading facilities have been constructed, and the Applicant does not propose to change the approved loading facilities or configuration. As described herein, the approved loading facilities will adequately accommodate the anticipated loading demand generated by the proposed Residential and Hotel Buildings. Moreover, under the current 2016 Zoning Regulations, loading flexibility would not be required for the Overall Project

or the Center Block, given the ability for various uses to share loading facilities so long as internal access is provided. *See* 11-C DCMR § 901.8. Thus, no additional loading flexibility is needed.

**B. Proposed Zoning Flexibility**

The Applicant does not propose any additional zoning flexibility as part of the subject application for a second-stage PUD for the Center Block.

**C. Approved Design Flexibility**

Pursuant to Decision No. A.10 of the Original Order, the Commission granted design flexibility for the Overall Project, which was superseded in Z.C. Order No. 08-34E to the following:

- a. “To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
- b. To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the total number of parking spaces provided meets the number of spaces required by Z.C. Order No. 08-34 (i.e., 1,146 spaces in the below-grade, consolidated parking area);
- c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials;
- d. To vary the location, attributes and general design of the public spaces and streetscapes incorporated in the project to comply with the requirements of and the approval by the District Department of Transportation Public Space Division.
- e. To locate retail entrances in accordance with the needs of the retail tenants and to vary the façades in accordance with the specifications for the Kit of Parts identified in Condition Nos. A.11 and A.12 [of Z.C. Order No. 08-34E] and to locate retail or service uses where “retail” is identified and to locate retail, service or office uses where “retail/office” is identified;
- f. To vary components of the project to coordinate or comply with modifications to the I-395 ramp systems resulting from the environmental review process required by the National Environmental Policy Act, including but not limited to modifications to ramp systems and freeway configuration, so long as such changes do not change the exterior configuration of the buildings or modify the site plan for the Overall Project; and



- g. To make minor refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals.”

The Applicant requests that the Commission grant the same design flexibility for the Residential and Hotel Buildings that was previously granted in the Original Order, as modified by Z.C. Order No. 08-34E, with the exception of subsection (f) which is no longer necessary since the ramp system has been fully constructed.

**D. Proposed Design Flexibility**

In addition to the previously-approved design flexibility, the Applicant also requests the following additional design flexibility for the Residential and Hotel Buildings:

- a. Podium: Flexibility for the use of the terrace above the two-story podium between the Residential and Hotel Buildings to be green roof or usable outdoor terrace space.
- b. Exterior Courtyards and Rooftop: To vary the configuration, layout, and design of the exterior courtyards and rooftops, including the amenities provided, so long as the courtyards and rooftops continue to function in a similar manner proposed and the overall design intent, general locations for landscaping and hardscaping, and quality of materials are maintained;
- c. Retail Square Footage: To increase or decrease the amount of ground floor retail in the Residential and Hotel Buildings, so long as a minimum of 62,687 square feet of retail GFA is provided across the Overall PUD Site;
- d. Retail Uses: To vary the types of uses designated as retail use to include the following use categories (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)); (v) Medical Care (11-B DCMR § 200.2(p)); and (vi) Arts, Design, and Creation (11-B DCMR § 200.2(e)); and
- e. Number of Residential Units and Hotel Rooms: To provide a range in the approved number of residential dwelling units and hotel rooms of plus or minus ten percent (10%).

**E. Proposed Special Exception Relief**

The Applicant requests special exception relief pursuant to 11-C DCMR § 1500.3(c) and 11-X DCMR § 901.2 to permit “nightclub, bar, cocktail lounge, and/or restaurant” uses within the penthouse of the Hotel Building. This proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, since the zone in which the Hotel Building is located permits a variety of commercial uses, including bar and restaurant uses, and similar uses are located throughout the immediately surrounding neighborhood. The approval would permit hotel guests and the general public to take advantage of the penthouse space, which will offer unique views from the top of the Capitol Crossing development project, overlooking the city. Moreover, the nightclub, bar, cocktail lounge, and restaurant uses are consistent with the goals of the penthouse regulations to generate an affordable housing contribution, and the penthouse structures themselves will comply with all height, bulk, and setback standards set forth in 11-C DCMR § 1500.

The proposed nightclub, bar, cocktail lounge, and/or restaurant uses will not tend to affect adversely the use of neighboring property. The area immediately surrounding the Center Block is primarily developed with commercial uses, including the office buildings within the North Block to the north, the Georgetown University Law Center to the east, the office and institutional uses within the South Block to the south, and the Holy Rosary Church and other office/institutional uses to the west. While the Residential Building is located to the north of the Hotel Building, the outdoor portion of the penthouse habitable space is located on the south side of the Hotel Building, which is the furthest side from the Residential Building. The bar/restaurant use in the penthouse will be operated so as not to impact the hotel guests within the Hotel Building or the Residential Building to the north.

In addition, it is anticipated that the majority of patrons visiting the bar/restaurant use will be neighborhood residents, visitors staying at the hotel, and/or employees of the surrounding office/institutional buildings, and therefore will not create adverse impacts related to additional traffic or parking. Moreover, given the highly walkable, mixed-use, and transit-oriented location of the Center Block, most patrons will walk, bike, or take public transportation to the proposed penthouse use. Accordingly, based on the foregoing, the proposed use of the penthouse will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property.

**D. Project Phasing**

Pursuant to 11-Z DCMR § 702.2, a contested case approval by the Commission shall be valid for a period of two years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time an application shall be filed for a building permit. Pursuant to 11-Z DCMR § 702.3, construction shall start within three years after the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval.

Due to the complexities of constructing the Residential and Hotel Buildings simultaneously, the Applicant requests that the Commission approve the following phasing plan in order to provide flexibility in timing for construction. As stated in the phasing plan, the Applicant will construct the entirety of the podium and the Residential Building first, followed by the Hotel Building above the podium.

Approval of the podium and Residential Building shall be valid for a period of two years from the effective date of the Order. Within that time, the applicant shall file a building permit application(s) for the podium and the Residential Building. The Applicant shall begin construction of the podium and Residential Building within three years of the effective date of the Order. Approval of the Hotel Building shall be valid for a period of two years following issuance of the first Certificate of Occupancy for the podium or Residential Building. Within that time, the Applicant

shall file a building permit application for the Hotel Building. The Applicant shall begin construction of the Hotel Building within three years following issuance of the first Certificate of Occupancy for the podium or Residential Building.

**VI. THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND THE PUD REQUIREMENTS**

**A. Area Requirements Under Section 2401.1 (Subtitle X § 301.1)**

Pursuant to 11 DCMR § 2401.1 of the 1958 Zoning Regulations, the minimum land area for a PUD in the C-4 District is 15,000 square feet. Pursuant to CL No. 4 of the Original Order, the Zoning Commission found that the Overall PUD Site met the minimum land area requirements of 11 DCMR § 2401.1. This application does not propose any changes to the land area for the Overall PUD Site. Moreover, the land area for the Center Block is 61,800 square feet, which is significantly greater than the minimum requirement.

**B. Height and FAR Requirements Under Section 2405 (Subtitle X §§ 303)**

Section 2405 of the 1958 Zoning Regulations sets forth the maximum height and density standards for a PUD. Pursuant to CL No. 5 of the Original Order, the Zoning Commission found that the PUD was within the applicable height, bulk, and density standards of the Zoning Regulations for a PUD within the C-4 zone. The Commission also found that the PUD reconnects the city, was appropriate for its site, and that the impacts of the Overall Project were not unacceptable. *Id.* The heights of the Residential and Hotel Buildings were approved at 130 feet, which have not changed in this application. The density of the Residential Building was approved at 180,384 square feet of GFA, and is proposed at 178,627 square feet of GFA in this second-stage PUD application. The density of the Hotel Building was approved at 297,311 square feet of GFA and is proposed at 234,837 square feet of GFA in this second-stage PUD application. Accordingly, the second-stage PUD application for the Property will continue to meet the zoning standards approved in the first-stage PUD.

**C. Not Inconsistent with Comprehensive Plan Under Section 2403.4 (Subtitle X § 304.4(a))**

Pursuant to 11 DCMR § 2403.4 of the 1958 Zoning Regulations, the Zoning Commission shall find that a proposed PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. For a PUD request that is comprised of multiple applications, as is the case here, the scope of the Zoning Commission’s review of each application is different. For a first-stage PUD, the Zoning Commission must find that the application is not inconsistent with the Comprehensive Plan, among other evaluation standards. *See* 11-X DCMR §§ 302.2(a), 304.4(a) and 11-Z DCMR 300.11. For a second-stage PUD, the Zoning Commission must only find that the application is *in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval*. *See* 11-X DCMR 302.2(b) and 11-Z DCMR 300.12(j) (emphasis added). Pursuant to 11-DCMR § 309.2, “[i]f the Zoning Commission finds the application to be in accordance with the intent and purpose of...the first-stage approval, the Zoning Commission shall grant approval to the second-stage application, including any guidelines, conditions, and standards that are necessary to carry out the Zoning Commission’s decision.” *See also* Z.C. Order No. 08-07C, FF No. 53. Accordingly, because the Zoning Commission has already determined that the PUD is not inconsistent with the Comprehensive Plan as part of its review and approval of the first-stage PUD, the Zoning Commission is not required to revisit that decision. *Id*

**D. Impacts of the Project Under Section 2403.3 (Subtitle X § 304.4(b))**

Pursuant to 11 DCMR § 2403.3 of the 1958 Zoning Regulations, the Zoning Commission shall find that proposed developments do not result in unacceptable project impacts on the surrounding area or on the provision of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in

the project. Pursuant to CL Nos. 5-6 of the Original Order, the Commission found that the impacts of the Overall Project were not unacceptable and that the application could be approved with conditions to ensure that the potential adverse effects on the surrounding area from the development would be mitigated. Because the second-stage PUD application for the Residential and Hotel Buildings is consistent with the first-stage PUD approval in Z.C. Order No. 08-34, as modified for the Hotel Building in Z.C. Order No. 08-34K, the Commission is not required to revisit its decision regarding project impacts.

The Applicant has met with the District Department of Transportation, who will review a scoping statement for a limited transportation analysis. This transportation analysis will evaluate the operations for the Residential and Hotel Buildings to ensure that they will not result in any adverse traffic impacts. That analysis will be filed with the Zoning Commission in accordance with the timeframes set forth in the Zoning Regulations.

**E. Public Benefits and Project Amenities Under Section 2403.5 (Subtitle X § 304.4(c))**

Pursuant to 11-X DCMR § 304.3, the Zoning Commission “shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.”

In the first-stage PUD approval, the Zoning Commission determined that the “number and quality of the project benefits and amenities offered are a more than sufficient trade-off for the flexibility and development incentives requested.” Original Order, CL No. 7. The Commission also found that the PUD offered “a high level of public benefits and project amenities. When compared with the amount of development flexibility requested and project impacts, the Applications satisfy the balancing test required in § 2403.8 of the Zoning Regulations.” Original Order, FF No. 82.

The approved public benefits included housing and affordable housing; historic preservation; exceptional urban design, landscaping, and the creation of open spaces; environmental benefits; transportation management measures; employment and training opportunities; space for technology incubators; benefits related to the construction of new facilities for the Holy Rosary Church; and most importantly construction of a platform over the Center Leg Freeway and the re-opening of F and G Streets, NW. *See* Original Order, FF No. 79. The significant majority of these benefits and amenities have already been delivered or are being delivered as follows:

- The entire platform above the Center Leg Freeway and associated base infrastructure has been constructed and delivered. This work included the relocation and reopening of the portals to the highway, the construction and reopening of F and G Streets, NW to the L'Enfant street grid, and the installation of significant new public space improvements and landscaping. Doing so created three new city blocks over what was an active highway, and it had the effect of linking District neighborhoods, creating a more efficient use of underutilized land, and revitalizing the neighborhood. Together, construction of the platform, portals, infrastructure, and street grid represents a total investment of over \$315 million.
- Significant and unique environmental benefits have been provided, including installation of a water collection and re-use system that captures and processes rainwater and ground water entering the site; installation of eco-chimneys to provide for air filtration from the below-grade parking garage and service corridor; and green roofs on the buildings in the North Block that have already been constructed, which help to reduce the heat island effect and mitigate storm water run-off. The buildings in the North Block have been designed and operate at LEED Platinum, and the rest of the buildings within the Center and South Blocks have been designed and will also operate at LEED Platinum, except for the Residential Building which will achieve LEED Gold.
- New facilities for the HRC have been constructed within the Center Block. A certificate of occupancy has been issued to the HRC, and the land will be conveyed to HRC soon.
- The JHS historic Synagogue building has been relocated to its final position in the South Block. In addition, JHS has commenced construction on its new museum and office facilities on land that has been conveyed to it by the Applicant.
- Approximately 22,064 square feet of retail space has been delivered in the North Block and approximately 20,284 square feet of retail space has been approved and will be delivered in the South Block. The Residential and Hotel Buildings in the Center Block will

together provide a total of approximately 20,567 square feet of retail space, in order to achieve the required minimum total retail space of 62,687 square feet of GFA across the Overall PUD Site, subject to flexibility to relocate retail space requested herein.

- Approximately 5,700 square feet has been reserved for technology incubators in the North Block, and the Applicant is actively leasing these spaces at reduced rents, as required.
- \$50,000 has been donated to Casey Trees for improvements to the park at 2<sup>nd</sup> and H Streets and Massachusetts Avenue.
- The Applicant has abided by its First Source Employment and Certified Business Enterprise agreements throughout development of the Overall Project thus far, and will continue to do so through development and construction of the Center and South Blocks.
- The Applicant has abided by its approved Transportation Demand Management plan thus far and will continue to do so during operation of the Overall Project, as applicable.
- The Applicant has installed one Capitol BikeShare station on the west side of 3<sup>rd</sup> Street, NW, across from the North Block, and will install a second Capitol BikeShare station on the west side of 2<sup>nd</sup> Street, NW, adjacent to the South Block, upon completion of the South Block.
- As part of development of the Residential Building, and as described herein, the Applicant will dedicate 50 affordable housing units in the Residential Building for households earning equal to or less than 80% of the MFI in accordance with all of the requirements set forth in the Original Order.

The Applicant does not propose any changes to the approved public benefits as part of this application or request any additional flexibility that would warrant a re-balancing. Accordingly, the Commission's previous finding that the relative value of public benefits and project amenities is sufficient given that the degree of development incentives will not change. Thus, the Applicant has not included additional proffers with this application.



## **VII. ENGAGEMENT WITH THE COMMUNITY AND OFFICE OF PLANNING**

### **A. Engagement with the Community**

The Applicant mailed a Notice of Intent to file the subject application to the owners of all property within 200 feet of the perimeter of Record Lot 50 on February 26, 2021.<sup>8</sup> The Applicant also mailed the Notice of Intent to Advisory Neighborhood Commissions (“ANCs”) 2C and 6C, which are both “affected” ANCs pursuant to 11-B DCMR § 100.2.

Since that time, the Applicant has presented the application to both ANCs. Specifically, the Applicant presented at ANC 2C’s regularly scheduled and duly noticed public meeting on March 10, 2021, where it received positive feedback on the proposal and responded to questions from the ANC commissioners and public regarding the PUD process and timing, noise mitigation from the highway, plans for the street extensions, and timing for construction.

The Applicant also presented to ANC 6C’s Planning Zoning and Economic Development committee on March 3, 2021, and received constructive responses about the project and responded to several questions regarding the affordable housing units, pedestrian safety and access, landscaping, and signage. In addition to the engagement already undertaken, the Applicant will continue to work closely with the community and with the affected ANCs throughout the application process.

### **B. Engagement with the Office of Planning**

The Applicant met with the Office of Planning (“OP”) regarding the subject application on August 11, 2020, wherein the Applicant summarized the development proposal for the Residential and Hotel Buildings and presented a preliminary set of architectural drawings. At the meeting, OP provided feedback on the design proposal overall, including input on the façade details, materials,

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<sup>8</sup> Although this application applies only to Square 566, Lots 861 and 862, the Applicant sent the NOI to the owners of property located within 200 feet of the entire Record Lot in order to provide a broadest range of notice.

and views into the project, and confirmed that the massing, height, and density proposed for the Residential and Hotel Buildings was consistent with that approved in the Original Order.

In addition, OP specifically requested that the Applicant incorporate occupiable balconies in the Residential Building, which the Applicant has since done by providing occupiable balconies for approximately 22% of the north-facing units on the more solid side of the building facing G Street and the pedestrian way. The Residential Building also includes Juliette balconies for approximately 27% of the south-facing units on the more glassy side of the building facing the Hotel Building. Overall, approximately 49% of the units include either a traditional or Juliette balcony, as shown on Sheets 3-04 through 3-08 of the Second-Stage Plans.

OP also requested additional information on how pedestrians would interact with the two Buildings, where indoor and outdoor pedestrian connections would be located, and the extent of the proposed streetscape improvements. The Applicant has provided this information at Sheets 3-01 through 3-02 of the Second-Stage Plans.

In addition, OP asked for additional information on the affordable housing units, including unit types and locations. In response, the Applicant has submitted the Affordable Housing Location Plan which identifies the type and location of the 50 Affordable Housing Units consistent with the requirements set forth in the Original Order.

OP also requested more existing condition photographs to better understand the alignment of the new streets within the L'Enfant grid, which was a primary amenity of the PUD. Existing condition images are included at Sheets 1-06 and 1-07 of the Second-Stage Plans.

## **VIII. CONCLUSION**

For the reasons stated above, the Applicant submits that this application for a second-stage PUD for Square 566, Lots 861 and 862 meets the standards of 11-X DCMR, Chapter 3 and Subtitle Z of the 2016 District of Columbia Zoning Regulations; meets the standards and requirements of

Z.C. Order No. 08-34, as modified and extended; is not inconsistent with the purposes and intent of the Zoning Regulations and Zoning Map and with the land use objectives of the District of Columbia; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia and provide significant public benefits and project amenities; and will advance important goals and policies of the District of Columbia. The Applicant therefore respectfully requests that the Zoning Commission set down the application for a public hearing.

Respectfully submitted:

HOLLAND & KNIGHT LLP

By: Christine Shiker  
Christine M. Shiker

By: Jessica Bloomfield  
Jessica R. Bloomfield