



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, ^{JS} Deputy Director

DATE: December 2, 2013

SUBJECT: Final Report: Zoning Commission Case No. 08-34C for Second-Stage Approval of a Church Addition in the Center Block (Capitol Crossing)

I. SUMMARY RECOMMENDATION

Capitol Crossing IV LLC, along with the Archdiocese of Washington Holy Rosary Church (collectively the “Applicant”), is requesting approval for a second-stage Planned Unit Development for an addition to the Holy Rosary Church within the Center Block of the Capitol Crossing project (hereinafter, the overall project is referenced as “Capitol Crossing” or “Overall Project”).¹ The Zoning Commission (“Commission”) discussed the application at its regular public meeting on July 29, 2013 and set down the proposal for a public hearing.

OP also notes that a related modification application to the First-Stage PUD was set down by the Commission at its September 9, 2013 public meeting (Case No. 08-34D). The modification sought an 8' height increase – to a total of 58' – which exceeded the height shown in First-Stage PUD plans. But subsequent to the set down, the Applicant submitted a Request for Further Consideration of the Modification Requirement. The Applicant clarified that the height of the proposed facilities actually would be 52.7' rather than 58'. The Commission considered the request at its September 30, 2013 public meeting and voted to withdraw the set down for Case No. 08-34D. The Commission then opined that it would deliberate on whether the Second-Stage PUD application, with the slight height increase, is “substantially in accordance with the elements, guidelines, and conditions of the first-stage approval” at the public hearing for Case No. 08-34C.²

The Office of Planning (OP) **recommends approval** of the Second-Stage PUD. The proposal is substantially in accordance with the First-Stage PUD approval and is not inconsistent with the Comprehensive Plan.

II. SITE AND AREA DESCRIPTION

The site is located in the Center Block of an ambitious three block proposal known as Capitol Crossing, which would occupy terra firma and the air rights above the sunken I-395 freeway.³ The subject site, which is approximately 13,000 square feet in land area, is located in Square 566, Lots 853 and a portion of 854 (which are part of Record Lot 49) (hereinafter, the “Property” or “Site”). It will be combined and connected to Lot 855 in Square 566, which is the location of the current Holy Rosary Church and Casa Italiana and is outside the PUD boundaries. The Site is bordered by 3rd Street NW to the west and F Street NW to the South.

Besides the two-story Archdiocese of Washington buildings, existing development near the Site includes the eight-story Judiciary Square Federal Building along 3rd Street. The Archdiocese Annex and Rectory, along with an associated parking lot, are located within the F Street right-of-way.

¹ The overall project previously was known as “Return to L’Enfant.” The Applicant name also previously associated with other elements of this PUD was “Center Place Holdings LLC.”

² Section 2408.3.

³ Capitol Crossing is generally bounded by Massachusetts Avenue N.W. to the north, 2nd Street NW to the east, E Street NW to the south, and 3rd Street NW to the west, and includes all lots except 43 in Square 568.



III. OVERALL PROJECT BACKGROUND

Commission Case No. 08-34 (2011) approved a First-Stage PUD, a consolidated PUD (“Consolidated PUD”), and a related map amendment to C-4 zoning for a three block development site to be constructed above the Center Leg Freeway. The following elements were approved as part of the Consolidated PUD: (1) construction of the entire platform and base infrastructure; (2) the mix of uses, the height and density of each block; (3) the North Block; (4) the construction of all below-grade parking, concourse, and service levels; and (5) the proposed landscaping and streetscape design for the Overall Project. Transportation management measures also were adopted.⁴ Subsequent Commission consideration of project components included: 1) Case No. 08-34A approved a second-stage PUD for development of the South Block; and 2) Case No. 08-34B approved an extension of the timeframe for a portion of the consolidated PUD in ZC Order No. 08-34.

IV. PROPOSAL

The Applicant proposes to develop new Holy Rosary Church facilities, principally a new rectory and annex, which would replace existing church facilities located in the former F Street right-of-way. Project details include:

- The construction of new facilities partially on land in the Center Block and partially on land owned by the church outside of the Site. The project contains “four main parts: the new annex, the new rectory, a central connector, and an elevated courtyard at the second floor level,” generally positioned to the east of the existing Casa Italiana and the Holy Rosary Church.⁵ The new construction would total approximately 33,312 square feet in size, of which 22,765 square feet would be located within the Center Block for PUD purposes. The square footage would constitute approximately .37 FAR of the Center Block’s anticipated overall density of 8.1 FAR. The facilities would rise 52.7’ and 5-stories high, far below the anticipated height of 130’ for future neighboring buildings approved in the First-Stage PUD.⁶ A new covered, single-story entry was created between the existing Bell Tower and rectory, and the top floor of the rectory would be set back from F Street. The raised courtyard would host special events and church activities.⁷ Beneath the courtyard is parking accessory to the church which would be accessed from 3rd Street.⁸
- The proposal would remove an earlier anticipated F Street access to the centralized below-grade parking facility servicing the entire three block development. It would be replaced by a stairway providing access from F Street to the new second-level courtyard. Entry to the centralized below grade parking would continue to be offered through entrances on the North and South blocks. The removal of the ramp to the underground parking also triggers some change to parking layout as well as overall vehicular circulation patterns, as outlined in the Applicant’s traffic study filed with the Pre-Hearing submission (dated November 20, 2013), Exhibit A.

V. MODIFICATIONS AND CLARIFICATIONS TO THE PROPOSAL SUBSEQUENT TO SETDOWN

- Height
Since the original Second-Stage PUD application, which showed a height of 58’ for the new church facilities, the Applicant has clarified that the maximum height of the rectory and annex actually is

⁴ See ZC Order No. 08-34, page 19.

⁵ Application dated July 8, 2013, page 5.

⁶ The subject application does not include other approved residential and commercial elements. OP also notes that submitted perspectives of future Center Block commercial and residential buildings are shown for general massing purposes only; those building designs will require review as part of a future second-stage PUD.

⁷ The Applicant indicates that the courtyard will be private space but that no gates or fencing are proposed.

⁸ Thirty-four spaces would be provided. See Pre-hearing Submission dated November 20, 2013, sheet 1.10. See reference in ZC Order No. 08-34, page 11.

52.7'. The change appears to have resulted from the unnecessary inclusion of the mechanical equipment within the height calculation. Above the roof, the Applicant also notes that parapets would rise 2.3' high, although they would not count toward the building's height.⁹ A penthouse enclosure containing the elevator override, a janitor's closet and independent mechanical equipment, would extend to a height of 58'. The Applicant indicates that the penthouse would comply with the requirements of § 411.

In spite of the minor 2.7' increase in height, OP finds that the application remains substantially in accordance with First-Stage approval. The Applicant indicated that the extra height would allow the building to have a larger clearance in the ceiling plenum for HVAC ducting while maintaining better than 8' ceilings in the annex (classroom and offices). The increase is approximately 1.7' beyond the flexibility (2%) that the Zoning Administrator could approve as a minor modification.¹⁰ Nevertheless, the proposed facilities would still be 5-stories in height and contain programming anticipated in the First-Stage PUD. The facilities also would be slightly reduced in square footage (189 square feet) within the PUD boundaries compared to original plans. When considered in the context of the anticipated 130' maximum height buildings approved for adjacent Center Block sites, the 2.7' increase appears especially restrained.

- Northern Edge Façade

The Applicant expounded that the north façade of the rectory “is clad in a light-colored brick that is similar in color tone to the limestone on the south face of the building. The north face of the annex and parking wall beneath the courtyard are also clad with brick, but in a medium grey tone to complement the color of the rectory.”¹¹ The north facade would only be viewable from limited points due to the anticipated construction of the proposed residential building in the Center Block and the existing Judiciary Square Federal Building.

- Traffic Study

The Applicant submitted a traffic study that describes the impact of the removal of the F Street driveway on the overall PUD and surrounding roadway network. The report concludes that the “proposed access change would not significantly impact the operation of the surrounding roadway network” and the “removal of the F Street driveway provides a greater efficiency in the below grade garage levels.”¹² The Applicant also indicated that the refinement is in accordance with the flexibility granted in Condition Nos. 10(b), 10(d) and 10(f) in Order No. 08-34.

- Timing

The Applicant clarified that the new facilities cannot be constructed until the platform is built.

VI. ZONING

Order No. 08-34 approved a PUD related map amendment to C-4 for the entire Capitol Crossing proposal. A comparison between C-4 PUD standards, Order No. 08-34 approval, and the proposed project is shown below. Parking and loading features were already approved for the project as a whole. The application also included diagrams of a proposed meaningful connection in preparation for future commercial and residential use in the Center Block.¹³

⁹ See § 199.1.

¹⁰ See § 2409.6(a).

¹¹ Applicant's Pre-hearing Submission dated August 6, 2013, page 3.

¹² Applicant's Pre-hearing submission dated November 2013, Exhibit A, pages 2-3.

¹³ See Applicant's Pre-hearing Submission dated November 20, 2013, sheets 1.12 & 1.13.

CENTER BLOCK	C-4 PUD	Approved per 08-34	Proposed
Height	130 ft. max.	130 ft. overall, 50' subject Site as shown in project plans	52.7' ft.
FAR	11.0 max.	8.1 (500,649 sq. ft.) overall; .37 (22,954) subject Site	.37 (22,765 sq. ft.)
Lot Occupancy	100% max.	94% overall	21%
Uses	Office, retail, residential, institutional allowed	Office, retail, residential, institutional allowed	Institutional

VII. FLEXIBILITY

Pursuant to Order No. 08-34, the project already was granted flexibility as it relates to the loading required for a project located in a C-4 district. The overall project will provide 1 berth @ 55', 8 berths @ 30', 1 platform @ 200', 8 platforms @ 100', and 4 service spaces @ 20' deep, all within a centralized below-grade loading facility serving Capitol Crossing as a whole.¹⁴ This represents one fewer 55' loading berth than required.

The Applicant has further requested relief related to the phasing and timing of construction of the proposed building. The Applicant requests that “upon approval of the Second-Stage PUD for the Holy Rosary Church, a building permit application must be submitted within two years of the completion of the construction of the platform and base infrastructure and the construction must commence within four years to that date.”¹⁵ Such phasing would synchronize the vesting with approved development for the North and South blocks. OP has no objection to this flexibility request.

In addition, the Applicant has requested flexibility in the areas of design, material, and streetscape as provided on pages 11-12 of the application dated July 8, 2013. OP has no objection to these typical flexibility requests.

VIII. PUD PURPOSE, STANDARDS, AND BENEFITS AND AMENITIES

The purpose and evaluation standards for PUDs are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved. The Applicant is requesting approval of a Second-Stage PUD. The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.” (§ 2403.3).

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, § 2403.8 states that “the 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.” Sections 2403.9 and 2403.10 state that a project must be acceptable in all the listed proffer categories. To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§ 2403.12).

As provided in Conditions 79(a) – (i) in Order No. 08-34, benefits and amenities for the overall project were proffered as part of the initial approval. Benefits include the construction of a platform and F and G Streets,

¹⁴ Order No. 08-34, pages 16 & 29.

¹⁵ Application dated July 8, 2013, page 11.

environmentally friendly design, affordable housing, historic preservation for the historic JHS synagogue, re-construction of the Holy Rosary Church Annex and Rectory, space for technology incubators, the creation of new open spaces, transportation management measures, and employment and training opportunities, among others.¹⁶ The Applicant does not propose any changes to the previously approved benefits and amenities package. The subject proposal furthers earlier approvals in areas such as those highlighted below:

1. *Environmental benefits* – The Applicant proposes a LEED Silver certification, evidenced by a LEED Scorecard provided with the application.¹⁷ The new annex and rectory also would include approximately 3,000 square feet of green roofs.
2. *Employment and training opportunities* – As part of the initial project approval, the Applicant has committed to a First Source Employment Agreement under which the Applicant will fill 51% of all new jobs resulting from the construction of the project with District residents, and will fill 67% of all new apprenticeship positions with District Residents. In addition, Certified Business Enterprises will represent 20% of the developer’s equity and development participation in the project, and the Applicant will contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project.¹⁸
3. *Transportation management measures* – The overall project will incorporate centralized below-grade loading and parking facilities with limited curb cuts to minimize impacts on pedestrians and vehicles. Thirty-four spaces associated with the church would be located beneath the elevated courtyard and accessed from an existing curb cut along 3rd Street. The Applicant provided a traffic study to demonstrate that the removal of garage access from F Street would not significantly impact the operation of the surrounding roadway network. It also indicated that the removal of F Street access would “enable better distribution of parking throughout the garage, better accommodation of loading activities within the garage, and more intuitive flow of traffic within the garage for both visitors and delivery.”¹⁹
4. *Urban design, architecture, landscaping and creation of open spaces* – The proposal would further link neighborhoods in the District that historically have been separated by a vast freeway canyon. To that end, the project relocates inconveniently placed facilities while strengthening the existing church facilities. Streetscape design for the overall development site was approved as part of the Consolidated PUD. Of note, the re-established F Street incorporates a traffic calming strategy and special paving and curb projects for pedestrian space and to accommodate special events. The removal of an anticipated curb cut along F Street leading to the underground garage could further improve streetscape design.

The face of the rectory along F Street would be clad in Indiana limestone to complement the existing Church. The Applicant indicates that the design is intended to be sensitive to the character of the original church.²⁰

IX. COMPREHENSIVE PLAN

The Commission found during its review of the First-Stage PUD that the Capitol Crossing project is not inconsistent with the Comprehensive Plan (“Comp Plan”). OP finds that the Second-Stage PUD application is consistent with earlier approvals and does not detract from the project’s relation to major tenets of the Comp Plan. The proposal would further a number of the Comp Plan’s policies including:

Policy Central Washington (CW)-2.5.6: I-395 Air Rights Development

“Pursue development of the air rights over I-395 between E Street NW and Massachusetts Avenue NW, including the restoration of the streets rights-of-way along F and G Streets. Mixed land uses,

¹⁶ Order No. 08-34, pages 16-19 (conditions 79(a) – (i)).

¹⁷ See Pre-hearing Submission dated November 20, 2013, sheet 1.14.

¹⁸ See Order No. 08-34, page 19 (Condition (i)).

¹⁹ Pre-Hearing Statement, Exhibit A, page 2.

²⁰ The church is not historically landmarked.

including housing, offices, ground floor retail, and parkland, should be encouraged in this area. Air rights development should be sensitive to adjacent areas and should preserve important views.”

Policy LU-1.1.1: Sustaining a Strong City Center

“Provide for the continued vitality of Central Washington as a thriving business, government, retail, financial, hospitality, cultural, and residential center. Promote continued reinvestment in central city buildings, infrastructure, and public spaces; continued preservation and restoration of historic resources; and continued efforts to create safe, attractive, and pedestrian-friendly environments.”

Policy LU-1.1.6: Central Employment Area Historic Resources

“Preserve the scale and character of the Central Employment Area’s historic resources, including the streets, vistas, and public spaces of the L’Enfant and McMillan Plans as well as individual historic structures and sites. Future development must be sensitive to the area’s historic character and should enhance the important reminders of the city’s past.”

Policy LU-1.4.1: Infill Development

“Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create ‘gaps’ in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.”

Policy T-2.4.1: Pedestrian Network

“Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city.”

Policy E-3.2.1: Support for Green Building

“Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities.”

Policy UD-1.1.2: Reinforcing the L’Enfant and McMillan Plans

“Respect and reinforce the L’Enfant and McMillan Plans to maintain the District’s unique, historic and grand character. This policy should be achieved through a variety of urban design measures, including appropriate building placement, view protection, enhancement of L’Enfant Plan reservations (green spaces), limits on street and alley closings (see Figure 9.3), and the siting of new monuments and memorials in locations of visual prominence. Restore as appropriate and where possible, previously closed streets and alleys, and obstructed vistas and viewsheds.”

Policy HP-2.4.3: Compatible Development

“Preserve the important historic features of the District while permitting compatible new infill development ...”

X. AGENCY REFFERALS

Subsequent to the setdown meeting, the application was referred to the following District government agencies for review and comment:

- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- Department of Employment Services (DOES);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD); and
- DC Water.

DC Water and the Metropolitan Police Department provided comments as attached. Operations Captain Tony Falwell, in a November 25, 2013 email to Paul Goldstein (OP), wrote "I have review[ed] all document and information provided involving Zoning Commission Case No. 08-34C. At this time, DCFEMS Fire Prevention Division (Office of the Fire Marshal) has no objection to this propose[d] development project proceeding forward." DDOT submitted a report, dated November 25, 2013, under separate cover.

OP has not received any additional comments from other contacted agencies.

XI. COMMUNITY COMMENTS

The Applicant indicated that ANC 2C voted unanimously to support the Second-Stage PUD at its October 21, 2013 public meeting.

XII. RECOMMENDATION

OP concludes that the proposal is not inconsistent with the First-Stage PUD approval or the Comprehensive Plan. OP **recommends approval** of the Second-Stage PUD.

JS/pg

Case Manager: Paul Goldstein



November 25, 2013

Paul W. Goldstein
Development Review Specialist
District of Columbia Office of Planning
1100 4th Street SW, 6th Floor
Washington, DC 20024

Re: Zoning Commission Case #08-34C
Holy Rosary Church at Capitol Crossing (Square 566, Lots 863 and 854)

Dear Mr. Goldstein:

Please consider this letter as DC Water's response to the Zoning Commission's request for comments on Case #08-34C. The proposed building is generally representative of the size, floor area, density, and/or use of the existing buildings adjacent to and/or in the vicinity of the project site. Therefore, the water and sewer demands for the proposed building will likely be similar to the existing water and sewer demands of the buildings adjacent to and/or in the vicinity of the project site. There is existing public water and sewer infrastructure located within 250 feet of the project site, therefore, the public water and sewer infrastructure is considered available per DCMR 12.

DC Water is currently reviewing plans for the three square block development above the I-395 freeway known as "Capitol Crossing". The Capitol Crossing plans currently under review include the proposed construction of a new 8" ductile iron water main in 3rd Street NW along the lot frontage for Lots 863 and 854. As of the date of this letter, DC Water has not yet approved the Capitol Crossing plans. The developer for Capitol Crossing anticipates that the new water main construction within 3rd Street NW will commence in 2014.

In the event that the Capitol Crossing project does not move forward and the water distribution system cannot meet the projected needs for the Holy Rosary Church then the applicant may elect to replace the public water system, at their expense, to meet their project needs, or wait until DC Water replaces the water system in DC Water's Capitol Improvement Program (CIP). However, any upgrades needed to accommodate zoning commission case #08-34C are unlikely to be included in the CIP in the immediate future.

The response above describes the existing water and sewer infrastructure, and DC Water's evaluation of that infrastructure, as it currently exists per the date of this letter. This information is subject to change. A final determination of the existing public system's ability to support the proposed project cannot be made until detailed plans are submitted to DC Water for review.

If you have any questions or need further details, please do not hesitate to contact me at 202-646-8611 or email me at Callie.Swingle@dcwater.com.

Sincerely,


Callie Swingle
Supervisor, Permit Operations



GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

NOV 27 2013

Paul W. Goldstein
Development Review Specialist
D.C. Office of Planning
1100 4th Street, S.W., Suite E650
Washington, D.C. 20024

Dear Mr. Goldstein:

This is in response to the request that the Metropolitan Police Department (MPD) offer comments regarding a proposed development (Zoning Commission Case Number 08-34C). Specifically, Capitol Crossing IV LLC, along with the Archdiocese of Washington Holy Rosary Church, located at 3rd & F Streets, N.W.

The proposal was forwarded to First District Commander Daniel Hickson, as the development would be located within the confines the First District. Commander Hickson reviewed the plans and has no objection to the proposed development.

I have also reviewed the plans and concur with Commander Hickson's assessment. Thank you for the opportunity to provide comments on matters that impact the Metropolitan Police Department, as well as the service that we provide to citizens in the District of Columbia.

Sincerely,

Cathy L. Lanier
Chief of Police