

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



December 19, 2014

Christine Moseley Shiker
Holland & Knight LLP
800 17th Street, N.W. - Suite 1100
Washington, DC 20006

Re: Zoning Commission Order No. 08-34/08-34B Capitol Crossing Project - Approval
Timeframe Squares 564, 566 and 568

Dear Ms. Shiker:

This is to confirm the substance of our discussions on October 9, 2014, regarding the approval timeframes for the consolidated PUD approved in Zoning Commission Order No. 08-34 ("Order No. 08-34"), which was extended by Zoning Commission Order No. 08-34B ("Order No. 08-34B") and amended by Zoning Commission Order No. 08-34E ("Order No. 08-34E"). This PUD is known as the Capitol Crossing project and incorporates all of Square 564 and the majority of Squares 566 and 568.

Order No. 08-34 approved a consolidated PUD for the following elements of the Capitol Crossing project: (1) the construction of the entire platform; (2) the proposed mix of uses, the height and density of each building, and site plan for the overall project; (3) the construction of the office building in 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 site. Condition No. 27 of Order No. 08-34 provided the timeframes for the approval of the consolidated PUD.

In Order No. 08-34B, the Zoning Commission approved a revised timeframe for the approval of the consolidated PUD. That Order stated as follows:

The Consolidated PUD approved by the Commission shall be valid until December 31, 2014. By that date, an application must be filed for a public space permit for the utility relocation. Within nine months of the issuance of the utility relocation permit, the Applicant shall commence construction of the utility relocation work. Within 30 months of the issuance of the utility relocation permit, the Applicant shall apply for a building permit for the construction of the platform and base infrastructure. Construction of the platform and base infrastructure shall begin within one year of the issuance of that building permit. Within two years of the completion of the construction of the platform and base infrastructure, the Applicant shall apply for a building permit for the construction of the North Block. The Applicant shall commence construction of the

North Block within four years of the completion of the construction of the platform and base infrastructure.

You informed me that the following steps have been taken to comply with these timeframes:

Requirement	Action Taken	Date Action Taken
An application must be filed for a public space permit for the utility relocation by December 31, 2014.	Utility relocation package stamped approved by DDOT. Pursuant to the Construction Agreement for Utility Relocations and Certain Street Improvements within Public Space, dated April 8, 2014, and entered into between the District of Columbia by and through DDOT and the Owner Entities (the "Agreement"), no permits from DDOT are required for the work under the Agreement, as the approval for such work is granted pursuant to the Agreement (see Section 1.31 "Permits").	April 8, 2014
Within 9 months of the issuance of the utility relocation permit, the Applicant shall commence construction of the utility relocation work.	The Applicant commenced utility relocation work pursuant to the Agreement and the stamped utility relocation plan package.	April 9, 2014
Within 30 months of the issuance of the utility relocation permit, the Applicant shall apply for a building permit for the construction of the platform and base infrastructure.	The Applicant filed for the Caisson Foundation Permit (FD 1400148) and its Support of Excavation ("SOE") Permit (SH 1400098) which comprise the majority of the foundation and support of excavation work for the base infrastructure and platform. The remainder of the Foundation to Grade package will be filed soon (likely within 2 to 3 weeks), but in no event later than October 9, 2016.	Foundation Permit: September 30, 2014 SOE Permit: September 12, 2014
Construction of the platform and base infrastructure shall	The Foundation Permit and SOE Permit are currently under review with DCRA.	

begin within one year of the issuance of the building permit.	Construction will commence no later than one year following the issuance of the first foundation permit.	
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DDOT did not require a public space permit to be issued for the utility relocation because this work was approved and permitted as a DDOT project, which was assigned DDOT Project Number DCKA-1023-T-0076. DDOT projects do not require the issuance of public space permits. As such, the Agreement states that no permits from DDOT are required for the work under the Agreement and provides specific DDOT approval for the work. Thus, the approval of the utility relocation plan package and the execution of the Agreement, both on April 8, 2014, take the place of a public space permit. Because they were both completed in advance of the date by which a public space permit application was required to be filed (i.e., December 31, 2014), they satisfy the permit submission requirement and will also constitute the issuance of a "permit" for the utility relocation work.

Based upon the "permit" issuance date of April 8, 2014, the Applicant has until January 8, 2015, to commence the utility relocation work and until October 8, 2016, to apply for a building permit for the construction of the platform and base infrastructure. According to information that you provided, the utility relocation work commenced on April 9, 2014, and is currently active as of the date of this letter. The Applicant filed for its first foundation building permit on or around September 30, 2014. As noted, both the Caisson Foundation Permit and the SOE Permit are currently under review with DCRA. Thus, construction of the platform and base infrastructure must begin no later than one year following issuance of the first foundation permit.

Based upon these facts and findings, it is my opinion that the timeframes for the consolidated PUD have been satisfied as summarized above, pending construction commencing within one year following issuance of the first foundation permit. The Applicant then must apply for a building permit for the construction of the North Block within two years of the completion of the construction of the platform and base infrastructure. The Applicant must commence construction of the North Block within four years of the completion of the construction of the platform and base infrastructure. With those final three steps, the consolidated PUD approved by Order No. 08-34, as extended by Order No. 08-34B and amended by Order No. 08-34E, will be fully vested. I believe that I have addressed the issues which we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Agreement for Utility Relocations
First Page of Stamped Utility Relocation Plan Package