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**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**Application of 100 M St. SE, L.L.C.
100 M Street, S.E.**

**REVIEW OF BUILDINGS AND STRUCTURES ON M STREET, S.E.
CAPITOL GATEWAY OVERLAY DISTRICT**

I. Background

The Subject Property consists of Lots 58-61, 63-66, 801-805, 813 and Pt. 822 in Square 743N. Square 743N is bounded by L Street on the north, 2nd Street on the east, M Street on the south, and 1st Street on the west. The Subject Property is located in the southwest portion of the square, with frontage on both M Street and 1st Street. It is bounded by a public alley on its east. The Subject Property is included in a C-3-C Zone District and is located in the Capitol Gateway Overlay District and the Capitol South Receiving Zone.

The Applicant, 100 M St. SE, L.L.C., proposes to develop the Subject Property with a new twelve-story office building with ground floor retail. Four levels of below-grade parking will be provided. The Capitol Gateway Overlay District regulations, which became effective on January 7, 2005, require review and approval by the Zoning Commission of any proposed building on a lot that abuts M Street, S.E., between South Capitol Street and 4th Street, S.E. This application is submitted pursuant to those approved regulations, set forth in Section 1604 of the Zoning Regulations.

Following herein, as required by the provisions of Section 1604, is a statement indicating how the Applicant meets its burden of proof.

II. Burden of Proof

A. Capitol Gateway Overlay District (Section 1604)

Section 1604.2 of the Zoning Regulations states that an applicant requesting approval under the Capital Gateway Overlay District review provisions must prove that the proposed building's architectural design, site plan, landscaping, and sidewalk treatment are of a superior quality, pursuant to several design and use requirements.

The majority of the building façades along M Street and First Street S.E. shall be building entrances and storefronts with clear or low-emissivity glass.

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Retail and office lobby entries shall be demarcated with canopies and signage appropriate to pedestrian scale. The building façade consists primarily of architectural precast concrete panels with a lightly sandblasted texture, a glass and aluminum window system and stone accents. Natural stone cladding may be used along the M Street and First Street facades at the lower one or two floors.

The primary building entrance for the project is centered on the M Street, S.E. façade. Retail spaces and entries are located along most of the remainder of the M Street frontage and along most of the First Street, S.E. frontage. The parking garage entrance is located off First Street, S.E. at the north side of the property, and loading is provided off the existing public alley running north-south to the east of the property. Both the parking and loading entries are covered, portions of which covering shall be landscaped and accessible as an occupied terrace.

The M Street, S.E. sidewalk is fifteen feet wide, and shall be planted with a single row of street trees in pits adjacent to the curb at approximately thirty feet on center. The area between the First Street curb and the building façade, which is approximately thirty-three feet wide, shall be paved so as to be usable for outdoor café seating ancillary to the ground floor retail space. A single row of street trees in pits shall be provided adjacent to the First Street curb. The street tree species shall be selected in consultation with the appropriate District agencies.

The project addresses the specific design and use requirements as follows:

1. The street wall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen feet measured from the face of the adjacent curb along M Street, S.E. (Section 1604.3)

As illustrated on the attached plans, the proposed building is set back fifteen feet from the face of the adjacent curb along M Street, S.E.

2. Each new building shall devote not less than thirty-five percent of the gross floor area of the ground floor to retail, service, entertainment, or arts uses. Such uses shall occupy 100% of the building's street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control. (Section 1604.4)

At least thirty-five percent of the proposed building's ground floor is devoted to "preferred" retail uses. The retail uses occupy all of the building's frontage along M Street, with the exception of the area devoted to the lobby entrance and garage access egress.

3. The Commission may authorize interim occupancy of the preferred use space by non-preferred uses for up to a five year period for good cause shown. (Section 1604.5)

The Applicant is not requesting interim occupancy by non-preferred uses at this time.

4. Not less than fifty percent of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses of the building. (Section 1604.6)

At least fifty percent of the surface area of the streetwall along M Street will be comprised of clear or low-emissivity glass.

5. No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building. (Section 1604.7)

Access to the required parking will be provided from 1st Street, S.E. Access to the required loading will be provided from the existing north-south public alley to the east of the Subject Property.

B. Special Exception Relief for Rear Yard (Section 774)

Section 1604.9 of the Zoning Regulations states that the Zoning Commission may hear and decide any additional request for special exception or variance relief needed for the Subject Property and that such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval. Pursuant to this provision, the Applicant hereby requests special exception relief from the rear yard requirements set forth in Section 774.

The rear yard of the proposed development is required to be 2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet. As the proposed building is 130 feet in height, the rear yard is required to be twenty-seven feet in depth. The rear yard provided for the proposed development is twenty feet in depth.

A special exception for relief from the rear yard requirements may be provided pursuant to the following standards:

1. Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide

light and air and to protect the privacy of building occupants. (Section 774.3)

The windows of the proposed office building will be separated from other buildings that contain facing windows by at least twenty feet. This distance is comparable to the typical width of a public alley, which often provides the only separation between buildings. In both cases, this distance is sufficient to provide light and air and protect the privacy of building occupants.

2. In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms. (Section 774.4)

The proposed development includes office and retail uses and therefore has no "habitable" rooms pursuant to the definition in the Zoning Regulations.

3. The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points. (Section 774.5)

As shown on the attached plans, the proposed development includes the required parking and loading with access provided pursuant to the Zoning Regulations.

4. The application shall be submitted to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing of all relevant D.C. departments and agencies. (Section 774.6)

It is the Applicant's understanding that the application will be referred to all appropriate D.C. departments and agencies.