

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Brandice Elliott, Project Manager
JL for Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: April 1, 2019

SUBJECT: ZC Case 18-20 – Southeast Federal Center (SEFC) Parcel I
 Zoning Commission Design Review under the SEFC Overlay; Variance from Green Area Ratio (GAR); Special Exception for Penthouse Setback

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested design review, consisting of the development of a 110-foot high mixed-use building with ground floor retail, nine stories of residential use, and a habitable penthouse. OP supports the requested relief, including penthouse setback and GAR variance. The applicant should provide the following prior to the public hearing:

1. Verify if canopies are to be incorporated at the ground level and provide renderings if applicable;
2. Provide details regarding windows, including depth and mullion details;
3. Indicate if there is a difference in depth between brick, type 1 and brick, type 2, which is featured around the residential windows;
4. Provide additional information regarding building materials, in particular, the reflective material incorporated on the underside of the bridge feature;
5. Verify if the proposed building would be certified through the U.S. Green Building Council;
6. Provide the square foot area of the green roof; and
7. Address why solar panels are not proposed to be incorporated into the roof design, particularly in light of information provided by District Department of Energy and Environment under Section XII of this report indicating that special financing is available for solar panels.

II. APPLICATION-IN-BRIEF

Location	Southeast Federal Center (SEFC), Parcel I Square 774, Lot 807 (East portion of the lot bounded by N Street to the north, N Place to the south, Canal Street to the east, and future 1 ½ Street to the west.)
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Applicant	Forest City SEFC, LLC, for the General Services Administration of the USA
Ward and ANC	Ward 6, ANC 6D
Current Zoning	SEFC-1-B (Southeast Federal Center Zone) – Promotes a mix of high-density residential and medium-density commercial development with ground floor retail on parcels D, E, K, H, and I.
Proposed Development	<p>The proposal consists of the following:</p> <ol style="list-style-type: none"> 1. Design Review of a new building in the SEFC-1-B District on Parcel I; 2. A new 10-story mixed use building with ground floor retail/restaurant, nine stories of residential use, and habitable penthouse; 3. A proposed height of 110 feet and proposed FAR of 3.5 for the record lot (Parcels H and I) and a proposed FAR of 7.0 for Parcel I; 4. A 20-foot-high penthouse consisting of residential amenity space; 5. 15,913 square feet of retail; 6. Approximately 348 residential units; and 7. Approximately 243 parking spaces below grade.
Review and Relief	<p>Pursuant to 11 DCMR, Subtitle K § 202.2, proposals on Parcel I that implement an additional density of up to 1.0 FAR, allowing a total FAR of 7.0, require design review and approval by the Zoning Commission.</p> <p>Pursuant to Subtitle X § 603.1, the applicant is requesting variance relief from the following:</p> <ol style="list-style-type: none"> 1. K § 209.1, Green Area Ratio (GAR) <p>Pursuant to Subtitle X § 603.1, and Subtitle C § 1504.1, the applicant is requesting special exception relief from the following:</p> <ol style="list-style-type: none"> 1. C § 1502.1(c)(5), Penthouse Setbacks <p>The applicant has also requested flexibility from the following:</p> <ol style="list-style-type: none"> 1. To vary the unit count by 10% (348 units currently proposed); 2. To permit “preferred uses” (Subtitle K § 236) on the ground floor; 3. To convert residential amenity space within the building to retail space; 4. To vary allocation of residential and retail parking; and 5. To vary parking count by 10%.

III. EXECUTIVE SUMMARY

The applicant has requested Design Review of a proposed ten story building with ground floor retail and nine stories of residential use. The applicant has opted into Design Review in order to use the 1.0 FAR bonus density for residential use permitted by Subtitle K § 202.2. Utilization of the bonus density also requires a minimum of 8% of the bonus density, 4,403 square feet in this instance, be set aside to three-bedroom units.

The property is currently developed as a temporary parking lot, an approved use through July 5, 2023, by Order Number 13-16A, which was approved by the Zoning Commission May 3, 2018. Parcels H and I collectively have a total of 394 parking spaces. Condition number one of the approval requires that unless Parcel I is under construction by December 31, 2019, a permanent sidewalk and public space design for the entire length of N Place is to be installed at that time.

The ground floor would consist of 15,913 square feet of retail space. While specific retailers have not been identified, they would be required to be a preferred use as provided in Subtitle K §§ 236 and 237. The project would consist of approximately 348 residential units, with a residential lobby located on 1 ½ Street. The U-shaped building would open up to 1 ½ Street, with a green courtyard on the second level. A one-story, double-height bridge consisting of a fitness center would connect the north and south sides of the building on 1 ½ Street, providing a feature that adds significant architectural interest.

The façade design would consist of two brick materials with punched windows on top of a precast concrete and glass base. The proposed balconies would be constructed of metal picket railing and metal panels would be incorporated as a horizontal element between residential units.

The applicant is seeking special exception relief from the penthouse setback requirements along the west building elevation to provide no setback adjacent to a courtyard, where a setback of 20-feet is required. Variance relief from Green Area Ratio has also been requested, to allow a lower GAR on the lot as an interim condition while Parcel H remains a parking lot. Parcel I would have a compliant GAR based on its land area, but collectively, Parcels H and I would not provide a compliant GAR until Parcel H is redeveloped.

IV. BACKGROUND

The Zoning Commission approved a comprehensive zoning package for the entire Southeast Federal Center (SEFC) site in 2004, which included the creation of the SEFC Overlay District (ZC Case 03-06). Since that time, the General Services Administration selected Forest City LLC as the master developer for the entire site. When complete, the SEFC development is anticipated to include approximately 1.8 million square feet of office space, at least 2,800 residential units, and neighborhood and destination retail uses.

Parcels H and I were originally approved as temporary parking lots consisting of 416 parking spaces in 2007 for a period of five years (ZC Case No. 07-17). Since that time, the special exception to allow the temporary parking lots have been renewed twice, each for a five year time period, and a total of 394 spaces were actually constructed (ZC Case Nos. 13-03 and 13-03A). The most recent special exception renewal will expire July 5, 2023.

V. SITE AND AREA DESCRIPTION

The SEFC site is located in the Near Southeast area and is bound generally by M Street, SE to the north; 1st Street, SE to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The SEFC site is approximately 42 acres in area, excluding an 11-acre parcel on M Street, SE which is the location of the Department of Transportation Headquarters (ZC Case 03-05).

The subject site, Parcel I, is located south of N Street, north of N Place, west of Canal Street, and east of 1 ½ Street. The historic DC Water and Sewer facility is located east of the Parcel, and Parcels F and G to the north are currently developed as temporary parking and the Trapeze School. A Design Review has been requested for Parcel G, which is the current location of the Trapeze School, and is scheduled for a public hearing on May 9, 2019 (ZC Case No. 18-22).

Parcel I is zoned SEFC-1-B, which promotes a mix of high-density residential and medium-density commercial development with ground floor retail. The applicant has opted in to Design Review to take advantage of the 1.0 FAR density bonus for the provision of additional residential units.

Parcel Map of Southeast Federal Center

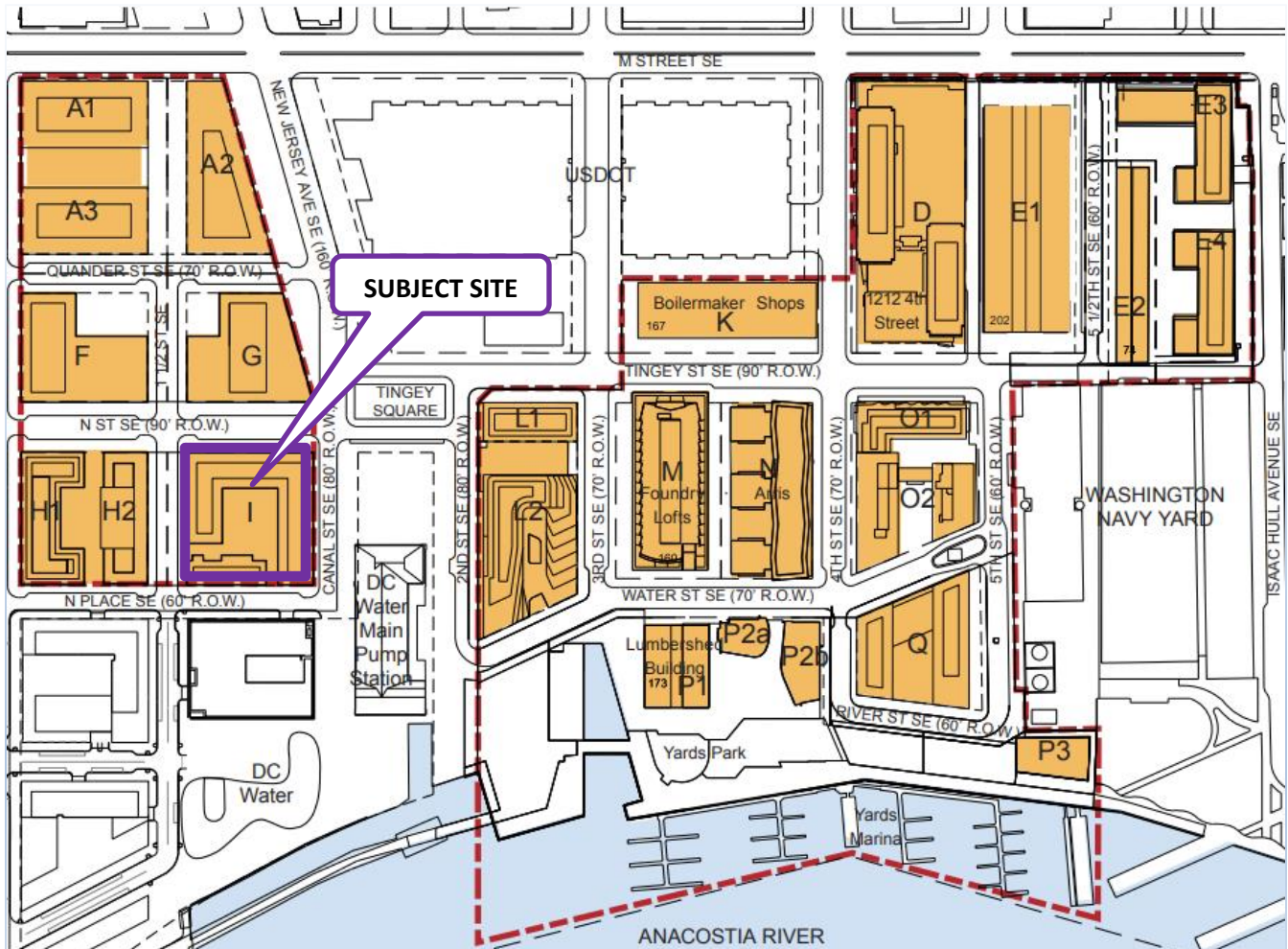


Figure 1: Vicinity map provided by the applicant (Exhibit 2K1), modified by OP.

While Parcels H and I are one lot of record, only Parcel I is the subject of this application. Parcel H will be developed separately, and the applicant should provide additional information regarding its connectivity to Parcel I and the type of relief that may be necessary for future development.

Development in SEFC continues to progress. The applicant has provided an update regarding the development status of each Parcel, noted in the table below:

Name/Type of Project	Location	Status
Parcel A1 –Office/Retail	Parcel A1	Unoccupied/Open Space
Parcel A2 –Office/Retail	Parcel A2	Unoccupied/Open Space
Parcel A3 –Office/Retail	Parcel A3	Unoccupied/Open Space
Parcel F –Office/Retail	Parcel F	Surface Parking Lot (Temporary)
Parcel G –Office/Retail	Parcel G	Trapeze School (Temporary)
Parcel H –Residential/Retail	Parcel H	Surface Parking Lot (Temporary)

Name/Type of Project	Location	Status
Parcel I –Residential/Retail	Parcel I	Subject of Application; currently a temporary surface parking lot.
Twelve 12 –Residential/Retail	Parcel D	Completed; Occupied
Parcel E	Parcel E	Temporary/Interim Uses
The Boilermaker Shops -Retail	Parcel K	Completed; Occupied
Parcel L1 –Hotel/Retail	Parcel L1	Under Construction
Parcel L2 – Residential/Retail	Parcel L2	Under Construction
Foundry Lofts –Residential	Parcel M	Completed; Occupied
Arris –Residential/Retail	Parcel N	Completed; Occupied
The Bower – Condo/Retail	Parcel O1	Under Construction
The Guild – Apartments/Retail	Parcel O2	Under Construction
Yards Park	Parcel P	Completed; Occupied
Lumber Shed –Retail/Office	Parcel P1	Completed; Occupied
Parcel P2A	Parcel P2A	Unoccupied/Open Space
District Winery	Parcel P2B	Completed
Parcel P3 ¹	Parcel P3	Unoccupied/Open Space
Parcel Q	Parcel Q	Surface Parking Lot (Temporary)

VI. PROJECT DESCRIPTION

The applicant proposes to construct a 110-foot-high, ten story mixed-use building on Parcel I, the eastern half of Parcel H/I. Nine floors would be dedicated to a residential use providing 348 units, and the ground floor would be dedicated to neighborhood-oriented retail uses. Two levels of below-grade parking would be included, providing 243 spaces. Parking and loading facilities would be accessed from N Place, along the south building elevation. Retail would consist of 15,913 square feet and would incorporate preferred uses.

The proposed development intends to incorporate health and wellness features into the design. The northwest stair tower would be daylit by windows to encourage its use as an alternative to the elevator. The bridge feature of the building, located above the residential lobby entrance on 1 ½ Street, would consist of a large fitness center. The bridge would consist of reflective aluminum cladding panels and accented with wood plank. The applicant should provide additional information regarding the reflective material to be used on the underside of the bridge of the feature. Window details should also be provided, showing the window and mullion depth.

The primary residential entrance would be centered on 1 ½ Street, a major walking spine in the Yards West area. N Street would function as the other major walking spine in the Yards West area, and is where retail uses would be focused, providing a link between the Ballpark and SEFC. Canal Street would function as a pedestrian street, providing access to lower-level units with separate walk-up entrances while allowing DC Water to meet its security needs. N Place, along the south side of the site, would provide vehicular access to the development, including loading and parking. The applicant should provide

¹ The approved master plan for SEFC does not include Parcel 3, which is located at the eastern edge of Parcel P, near the Navy Yard. Therefore, the applicant would be required to modify the master plan to include development of this site.

additional information regarding security features along Canal Street, including height and materials, so that the full visual impact may be assessed.

The application notes that the proposed development would be designed to a minimum of LEED Silver under the LEED v4 standard. OP strongly encourages the applicant to certify the building through the U.S. Green Building Council at the LEED Gold level, which would be more consistent with the goals of the Anacostia Waterfront Initiative and subsequent environmental efforts along the Anacostia River.

The applicant has requested variance relief from Green Area Ratio, special exception for penthouse setbacks for a stair tower, and flexibility from the residential unit count and to incorporate preferred uses into the ground floor. Analysis of the requested relief is provided below.

VII. ZONING ANALYSIS

The subject site is zoned SEFC-1-B, which is intended to promote a mix of high-density residential and medium-density commercial development with ground floor retail. Pursuant to Subtitle K §§ 237.4, 241, and 242, this zone includes a Zoning Commission design review against specific criteria found in Subtitle K §§ 241 and 242 to achieve an extra 1.0 FAR dedicated to residential uses.

The following table compares the proposal to the zoning:

Zoning Table	Zone – SEFC-1-B	Proposal	Relief
Lot Area	No minimum	126,881 sq. ft. (record lot) 55,041 sq. ft. (Parcel I)	None
Height (ft.) K § 203	110 ft. max.	110 ft.	None
Penthouse Height K § 203	20 ft., one story	20 ft.	None
Penthouse Setbacks C § 1502	A distance equal to its height from front, rear and side building walls	Complies, except for north stairwell. North: 32 ft. South: 0 ft.	Special Exception requested for setback
Residential Units:	No minimum; 1.0 bonus FAR required to be residential, with 8% of bonus density to be 3-bedroom units	348 units (369,337 sq. ft.) Jr.: 15-20% 1 Bed: 35-40% 1 Bed +: 10-15% 2 Bed: 22-27% 2 Bed +: 3-5% 3 Bed: 0.5-1%	None; Flexibility requested to vary unit count by +/- 5%
FAR Total K § 202	6.0 + 1.0 bonus devoted to residential uses (385,287 sq. ft. – Parcel I only)	7.0 385,250 sq. ft.	None
Residential:	7.0 max. (including bonus)	6.71 (369,337 sq. ft.)	None
Non-Residential:	3.0 max.	0.13 (15,913 sq. ft.)	None
GFA			

Zoning Table	Zone – SEFC-1-B	Proposal	Relief
Total:	385,250 sq.ft. (Parcel I only, with 1.0 FAR residential bonus)	385,250 sq.ft.	None
Residential:	385,250 sq.ft. max. (Parcel I only, with 1.0 FAR residential bonus)	372,351 sq.ft.	None
Non-Residential:	165,123 sq.ft. max.	15,913 sq.ft.	None; Flexibility requested to permit uses listed as “preferred uses” in K § 236
Lot Occupancy K § 204	100% max. – 1 st and 2 nd floors 75% max. – 3 rd through 10 th floors	84% - ground floor 77% - all other floors (Parcel I only)	None requested; overall lot occupancy for Parcels H & I to comply
Front Setback K § 205	None required	0 ft.	None
Rear Yard K § 206	12 ft. min.	40 ft. (measured from center of Canal Street)	None
Side Yard K § 207	5 ft. min., if provided.	None provided	None
Green Area Ratio K § 209	0.20	0.18 (Parcels H & I) 0.207 (Parcel I only)	Variance requested
Parking C § 701.5	Residential: 1 per 3 du in excess of 4 du = 116 spaces Retail: 1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft. = 19 spaces Total: 135 spaces	Residential: 209 spaces Retail: 34 spaces Total: 243 spaces	None
Bicycle Parking C § 802	Residential LT: 1 space per 3 du = 116 spaces Residential ST: 1 space per 20 du = 18 spaces Retail LT: 1 space for each 10,000 sq. ft. = 2 spaces Retail ST: 1 space for each 3,500 sq. ft. = 4 spaces Total: 140 spaces	Residential LT: 116 spaces Residential ST: 18 spaces Retail LT: 2 spaces Retail ST: 4 spaces Total: 140 spaces	None
Loading C § 901	Residential: 1 berth, 1 delivery space Retail: 1 berth	2-12 ft. x 30 ft. berths (shared) 1-10 ft. x 20 ft. delivery space (shared)	None

VIII. REQUESTED ZONING FLEXIBILITY

The applicant requests the following flexibility:

1. To vary the unit count by 5% (348 units currently proposed);

The application includes a request for flexibility to vary the unit count by 5%, which would provide a range of between 331 to 365 units. OP supports this as an appropriate amount of flexibility, as it would allow the applicant the flexibility necessary to work through design issues and finalize the design through the building permit process without significantly changing the proposed density.

2. To permit “preferred uses” (Subtitle K § 236) on the ground floor;

The applicant has requested flexibility to permit preferred uses in retail spaces on the ground floor. This flexibility has been requested out of an abundance of caution, as the preferred uses include uses that are not included in the retail use category. Specifically, uses such as dental labs, medical care, and education uses would not be included in the retail use category, but are listed as preferred uses. OP supports this flexibility, as it would allow the applicant to provide a greater variety of uses, as intended by the Regulations.

3. To convert residential amenity space within the building to retail space;

The applicant has identified two areas on the ground floor plan within the proposed residential lobby where retail uses could be located (Exhibit 19F5). OP supports this flexibility, as it could result in additional retail that would further activate the public realm.

4. To vary allocation of residential and retail parking; and

The proposal would provide a total of 243 parking spaces where only 135 parking spaces are required. Given that more parking spaces than required would be provided, the allocation of residential and retail parking would likely still comply with the minimum amount of parking required for each use. As a result, OP supports this flexibility.

5. To vary parking count by 10%.

The applicant has requested flexibility to provide between 219 and 267 parking spaces. The minimum number of parking spaces required for this development would be 135 spaces. OP supports the requested flexibility, as it would still result in sufficient parking for the development.

IX. COMPREHENSIVE PLAN

The Future Land Use Map in the 2012 Comprehensive Plan designates the site for high density residential and commercial uses. The proposed development is not inconsistent with this designation. The Generalized Policy Map indicates the site for Land Use Change, from federal to private mixed-use development.

The project is not inconsistent with the Comprehensive Plan, and it generally conforms to the SEFC master plan. OP notes that the applicant has modified the master plan through the General Services Administration (GSA) and National Capital Planning Commission (NCPC) to correct inconsistencies in the overall development. The provision of pedestrian-oriented retail uses would further policies of the Land Use, Park, Recreation and Open Space, Historic Preservation, and Urban Design Elements. The development would also further relevant policies of the lower Anacostia Waterfront/Near Southwest Area

Element by helping to develop new waterfront neighborhoods (AW-1.1.2), creating waterfront commercial development (AW-1.1.-3), and improving access to the Near Southeast shoreline (AW-2.3.2).

X. MANDATORY REVIEW OF ALL NEW BUILDINGS AND EXTERIOR RENOVATIONS

General Design Review Criteria

The project is subject to the general design review criteria of Subtitle X § 604, and the SEFC specific design review criteria of Subtitle K § 241, pursuant to Subtitle K § 238.3:

K § 238.3(a) All buildings and structures that abut the SEFC-4 open space area, whether or not a street intervenes but excluding buildings and structures that abut the SEFC-4 development area including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e. north of Water Street, S.E., west of 4th Street, S.E., east of Third Street, S.E., and south of Tingey Street, S.E.).

This review consists of Design Review of the proposed development on Parcel I for a mixed-use retail and residential building. Analysis of the project against the relevant zoning objectives and standards is provided below.

X § 604.5 The Zoning Commission shall find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

As noted above, the proposed development is not inconsistent with the Comprehensive Plan and other adopted public policies related to the subject site. The high density commercial and residential designation supports structures of eight stories or more. The policies of the Comprehensive Plan further encourage the provision of residential uses, increased access to the waterfront, and creating commercial waterfront development. The Comprehensive Plan supports the generation of housing and affordable housing, as would be required by the Development Agreement that exists between the developer and the District of Columbia.

X § 604.6 The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.

X § 902.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The project would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-1-B District. The development largely complies with the Zoning Regulations in terms of development requirements, including height, FAR, proposed uses, and parking. A variance

from green area ratio and a special exception from the penthouse setback have been requested, and an analysis of that relief is provided elsewhere in this report.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The proposed development does not appear to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The proposed height, massing, and orientation are appropriate given the context, and are comparable to adjacent development. The architectural design has been well-vetted, having been reviewed by the Commission of Fine Arts, State Historic Preservation Office, and National Capitol Planning Commission.

- (c) *Subject in specific cases to the special conditions specified in this title.*

There are no special conditions specified in this title for Design Review in SEFC.

X § 604.7 The Zoning Commission shall review the urban design of the site and the building for the following criteria:

- (a) *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*
 - (1) *Multiple pedestrian entrances for large developments;*
 - (2) *Direct driveway or garage access to the street is discouraged;*
 - (3) *Commercial ground floors contain active uses with clear, inviting windows;*
 - (4) *Blank facades are prevented or minimized; and*
 - (5) *Wide sidewalks are provided;*

The proposed development consists of street frontages that are designed to be safe, comfortable, and encourage pedestrian activity. Pedestrian circulation would be facilitated particularly along the north, east and west building elevations, which would consist of wide sidewalks and a transparent ground floor with multiple entrances. Landscaping and benches would also be provided, encouraging pedestrian movement through the site. The ground floor uses, anticipated to be retail and restaurants, would further encourage pedestrian activity while activating the public and private realm. The ground floor is designed at a pedestrian scale, including a significant amount of glazing, and pedestrians would be encouraged to use outdoor seating located in the public realm.

Particular attention has been given to the north building elevation along N Street, where the ground floor design is intended to ensure connectivity between the public realm and the building despite the need to construct the building above the 100-year flood plain. The applicant diligently worked with OP, DDOT, and Public Space to creatively address the flood plain issue and create a ground floor along N Street with seating and landscape in the public space. The building would further be accessible at the northeast corner, where a ramp would be provided.

The parking and loading entries would be located on N Place, which is anticipated to have the lowest volume of pedestrian activity.

The applicant should verify if canopies are intended to be incorporated into the ground floor facades.

- (b) *Public gathering spaces and open spaces are encouraged, especially in the following situations:*
- (1) *Where neighborhood open space is lacking;*
 - (2) *Near transit stations or hubs; and*
 - (3) *When they can enhance existing parks and the waterfront.*

The proposed development would create a network of formal and informal spaces that connect the site to the anticipated third entrance to the Navy Yard Metro Station that would be on Parcel A, as well as to the waterfront. Improved streetscape would be provided along N Street, Canal Street, and 1 ½ Street, including landscaping, wide sidewalks, and street furniture. Outdoor seating for restaurants would provide additional spaces for gathering along street frontages.

Additional gathering spaces would be included within the development, including the lobby area with seating for residents, as well as a courtyard on the second level. The bridge feature would accommodate a fitness center, which would be a significant gathering space within the development.

- (c) *New development respects the historic character of Washington's neighborhoods, including:*
- (1) *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
 - (2) *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
 - (3) *Development should respect and protect key landscape vistas and axial views of landmarks and important places;*

The proposed development respects the historic character of the waterfront and adjacent Navy Yard. The building's height, density, massing, and orientation are similar to surrounding developments that have been constructed or are under construction. In addition, the placement of the proposed building is consistent with the Southeast Federal Center Master Plan, which aims to reestablish the street network and preserve key vistas and views. Brick would be used as a primary material, which is heavily featured in Navy Yard and the historic buildings.

- (d) *Buildings strive for attractive and inspired façade design, including:*
- (1) *Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and*
 - (2) *Incorporate contextual and quality building materials and fenestration;*

The proposed development provides an attractive façade that reinforces the pedestrian realm through the provision of tall ground floors with a high percentage of glazing, which increases transparency, and thus, the pedestrian connection to the waterfront. Gathering spaces would also be provided in the public and private realm, as well as within the building. The applicant has provided signage guidelines demonstrating that signs will be appropriate for the context.

(e) Sites are designed with sustainable landscaping; and

At the streetscape level, planters and trees would, at a minimum, comply with DDOT public space standards, except for on Canal Street. Due to the existing stormwater infrastructure on Canal Street, there is limited space for trees within the right-of-way; therefore, the applicant proposes to install trees and bioretention on the property in front of the loft entrances that will create the same benefits. Additional bioretention zones and other features would be installed to detain and treat stormwater runoff on 1 ½ Street. An extensive green roof would be provided, complying with DOEE water retention calculations, garnering LEED credits.

(f) Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:

- (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
- (2) The development incorporates transit and bicycle facilities and amenities;*
- (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
- (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and*
- (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

The proposed development promotes connectivity both internally and with surrounding neighborhoods through the incorporation of wide sidewalks along all building sides. The development also demonstrates connectivity through its proximity and linkages to public transportation, including the Navy Yard Metro Station, several bus lines, and Capital Bikeshare stations. Finally, the development preserves and enhances the viewshed to the waterfront and provides enhanced pedestrian access to waterfront activities.

X § 604.8 The Zoning Commission shall find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site.

The proposed development incorporates design features such as a transparent ground floor, bench seating in the public space, and outdoor seating that enhance the pedestrian experience, increase access to the waterfront, and add interest to the building design. Overall, these features result in a project that is superior to matter-of-right development.

SEFC-2 District Design Review Criteria

K § 241.1 In addition to proving that the proposed uses, buildings, or structures meet the standards set forth in Subtitle X, the applicant for Zoning Commission approval of a use or structure within a SEFC zone shall further demonstrate conformance to the following standards:

- (a) The use, building, or structure will help achieve the goals and objectives of the SEFC zone as set forth in Subtitle K §§ 200.2 through 200.7, as applicable;*

The proposed development would advance the goals and objectives of the SEFC, particularly: 1) developing the area with a mix of uses of a suitable height, bulk, and design of buildings; 2) encouraging

a pedestrian-oriented streetscape, particularly with improvements on 1 ½ Street, N Street and Canal Street; 3) encouraging a variety of support and visitor-related uses, including retail; 4) requiring suitable ground floor retail on N Street, a key pedestrian connection between Yards East and West; and 5) encouraging design that is sensitive to the Navy Yard and historically significant buildings.

The development would be sensitive to the surrounding historic context through its architectural design. The east building elevation reads more conservatively, which is appropriate given its proximity to the Main Pumping Station, and the west building elevation includes grander gestures that are oriented away from the historic structures.

(b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor; and

The proposed height, bulk, and siting of the development would provide for openness of view and vistas to and from the waterfront and monumental federal buildings, consistent with the intent of the SEFC Master Plan.

(c) On or above-grade parking adjacent to, or visible from the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of façade shall adequately screen parking from the street and adjacent development.

All parking would be provided below grade on two levels and would not be visible from the street.

K § 241.2 In evaluating the application, the Zoning Commission also may consider:

(a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;

The proposed development is compatible with buildings in the surrounding area through overall massing, siting, details, and landscaping, as anticipated by the SEFC Master Plan. The allowable building height on adjacent properties ranges between 110 and 130 feet. The proposed height of 110-feet for the proposed development is compatible with the existing historic structures that tend to be lower in height, including the Pumping Station, which is approximately 70-feet high. Similarly, Parcels L1 and L2 to the south of the site would also be 110-feet in height, and buildings to the north could achieve a height of 130 feet.

The proposed building architecture features brick, which is the predominant material in the neighborhood, with a more traditional façade facing the Pumping Station and a modern façade oriented toward newer development on 1st Street. The applicant has also identified linkages of hard and soft landscaping, open

plazas, street scape spaces for cafes, and seating nodes at building entrances that physically link the site to the future Metro entrance and waterfront.

- (b) *Use of high standards of environmental design that promote the achievement of sustainable development goals;*

The applicant intends to achieve a LEED Silver level of certification for the project but has not specified that the project would be certified through the U.S. Green Building Council (USGBC). The applicant should provide clarification on this issue. LEED credits would be gained in all areas, but particularly in the area of Sustainable Sites for development density and access to public transportation. The applicant should provide the square footage of green roof proposed and address why solar panels have not been incorporated into the building design.

- (c) *Façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;*

The applicant has provided perspectives that illustrate façade articulation. The ground floor provides a sense of openness through the use of transparent glazing and high ceilings, while the canopy provided along the north elevation would increase pedestrian comfort. The applicant has provided several perspectives of the ground floor showing articulation in the proposed building design at Exhibit 19F6.

A sign plan has been provided in Exhibit 19F8, which details the locations of signs on the building, as well as design criteria. The plan appears to compliment the proposed façade.

- (d) *Landscaping which complements the building;*

The proposed development includes the use of native plants in the streetscape, and enhanced landscaping on the roof and terraced roof of the building. Landscape plans have been provided as well as a plant legend identifying plant materials.

- (e) *For buildings that include preferred uses in accordance with Subtitle K §§ 237 or 238, the Zoning Commission may consider the balance and location of preferred uses;*

The applicant has indicated that preferred uses would be located predominantly along Tingey Street, and designed to encourage pedestrian activity, activate adjacent sidewalks and public spaces, and ensure comfort and safety of visitors and residents.

- (f) *In connection with its review pursuant to Subtitle K § 238.3, the Zoning Commission may consider the effect of the proposed uses on the predominantly residential character of the SEFC-2 and/or SEFC-3 zones; and*

The applicant has indicated that the preferred ground floor retail uses are of a scale that would be predominantly neighborhood-serving. The proposed retail would link the development and surrounding area to the neighboring waterfront and would not have a negative impact on residential uses.

- (g) *For development within or adjacent to the SEFC-4 zone, the Zoning Commission may consider whether the project is consistent with the following goals:*
- (1) *Providing a wide variety of active and passive recreational uses;*
 - (2) *Encouraging uses that open to, overlook, and benefit the waterfront park; and*
 - (3) *Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site.*

The proposed development is not adjacent to the SEFC-4 zone, so this provision does not apply.

XI. RELIEF REQUESTED

Subtitle K § 242.1 permits the Commission to consider any requests for relief as part of its review of the project. The proposed development requires a variance for Green Area Ratio (K § 209.1) and a special exception for penthouse setback at the west building elevation (C § 1502.1(c)(5)).

A. Variance Relief for Green Area Ratio (K § 209.1)

i. Exceptional Situation Resulting in Practical Difficulty

The applicant has requested relief from the GAR requirement for Parcel H/I. The proposed development would comply with GAR requirements for Parcel I, but the overall record lot, which includes Parcels H and I, would not comply until the completion of construction on Parcel H.

The applicant has provided that the master-planned development of the SEFC has resulted in breaking down a series of properties into smaller segments within an established street grid. Parcel I is one of these segments, as it is part of a larger record lot that will be constructed in multiple phases, including a new private street bisecting the lot. Parcel H was developed as a temporary parking lot prior the adoption of the GAR regulations. These conditions create an exceptional situation that makes it practically difficult to comply with GAR; however, Parcel I would comply with the standard in the interim, and the record lot would comply with the standard upon full build out of the lot.

ii. No Substantial Detriment to the Public Good

The requested relief should not cause substantial detriment to the public good. The requested relief would allow for an interim condition to exist until full build out of the lot is completed. Parcel I would comply with the GAR requirement on its own as an interim condition, and both Parcels H and I would comply once both portions of the lot are developed.

iii. No Substantial Harm to the Zoning Regulations

The requested relief should not cause substantial harm to the Zoning Regulations. Parcel I would meet the intent of the Zoning Regulations by ensuring that new development complies with GAR and is environmentally sustainable. At such point when Parcel H is developed, the overall lot would comply with GAR, further meeting the intent of the Regulations.

B. Special Exception for Penthouse Setback (C § 1502.1(c)(5))

i. Considerations Regarding Relief to Penthouse Requirements

- a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with buildings codes;*

In an effort to encourage circulation in the building via stairs rather than elevators, the applicant has proposed to locate one stairwell partially outboard of the exterior wall and clad it primarily in glass to allow the penetration of light. The stairwell would have southern and western exposures, so it would experience the best daylight in the building while providing access to the ground floor lobby entrance. The strict application of the setback requirements would result in unduly restrictive construction that would reduce light and usability of the stairwell, countering the intent of the project to integrate sustainability, resiliency, and public health features.

- b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The requested relief is for a stairwell located within the courtyard (i.e. not on a street façade). It would reinforce public health and wellness goals by encouraging its use. The entire stairwell would be distinguished from the surrounding façade through the use of different materials, resulting in a glassy column set apart from the building façade. The resulting stairwell would not appear to be an extension of the building wall.

- c) The relief requested would result in a roof structure that is visually less intrusive;*

The stairwell would be on the north wall of the courtyard and would not be visible from N Street, N Place, or Canal Street. As demonstrated in the perspectives provided by the applicant, the stairwell would be minimally visible from the west, as it would be largely obscured by the proposed bridge element. However, once Parcel H is developed, the stairwell may become less visible, as future construction would impede its view from 1st Street and other points west of Parcel I.

- d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

The intent of the stairwell is to increase resident activity through its use, which would not be possible if it were located interior to the building where it would receive less light and be generally less inviting. A daylit stairwell requires an exterior location on the perimeter of the building and sufficient height to bring in light and air.

- e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

Aside from the stairwell for which setback relief is requested, all other mechanical equipment, stairwells, and elevator penthouses provide compliant setbacks.

- f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

The proposed stairwell would meet the intent and purpose of the penthouse regulations, as it would be largely obscured by existing and future buildings. In addition, it would be set back from the west building elevation by more than 50-feet and from the north building elevation by more than 30-feet, which significantly reduces its visibility from the street. As a result, the proposed design of the stairwell should not adversely affect the light and air of adjacent buildings.

XII. AGENCY COMMENTS

Department of Energy and Environment provided the following comments to OP via e-mail, dated March 28, 2019. The applicant should review the comments and respond to them prior to or at the public hearing.

1. Given that this parcel is not located in a combined-sewer overflow area, all stormwater is directed to outfalls that directly discharge into the Anacostia river. All efforts to capture and retain stormwater on site must be explored and maximized for the site, public rights of way, and surrounding streets. In addition, DOEE recommends that the project consider rainwater harvesting for water reuse within the building, especially for non-potable uses within the ground level community and commercial space, and for irrigation.
2. Civil plans were not provided with the March 22, 2019 Submission.
3. Compliance with the 2013 Stormwater Regulations will be reviewed during the building permit phase.
4. Due to the projects' location to the Anacostia River, we encourage the applicant to meet the higher stormwater requirement of capturing the 95th percentile rain event or the 1.7" rain event thereby demonstrating the developer's commitment to protecting the environment for the surrounding community and investing in a swimmable and fishable Anacostia River.
5. Since a corner of the parcel is in the 500-year floodplain, we want to ensure that the garage entrances are well above the 500-year base flood elevation. Compliance with Floodplain Regulations will be reviewed during the building permit phase.
6. A critical goal of the Sustainable DC Plan is to increase the use of renewable energy to make up 50% of the District's energy use. This is a major priority of the current District administration, as the Mayor signed legislation in the summer of 2016 to increase the District's Renewable Portfolio Standard (RPS) to 50% with a local solar carve out of 5.0% by 2032. This legislation has produced significant potential benefits for the business and development community as the District has the best financials for solar energy in the country. Solar panels may be mounted horizontally over mechanical penthouses or integrated into an extensive green roof system.

7. A power purchase agreement may be executed for leased solar panels with zero up front cost. Also, for owner financed solar panels, which can be financed by DC PACE, the typical return on investment is between two and five years. Through the District's community solar program, the energy generated can be "virtually" net-metered and the residents or commercial tenants can "subscribe" into the system providing mutual benefit for both the property owner and residents.
8. Given that the District is continuously updating building codes, additional gains in energy efficiency are possible and encouraged. We would encourage that the project maximize all opportunities for increased energy efficiency. While some strategies could have minimal construction cost impacts, such as improvements to the building envelope, they will also decrease utility cost and could save valuable rooftop space. Many energy conservation measures including additional insulation, LED lighting and controls, high efficiency mechanical systems, and envelope commissioning and air sealing have a return on investment within five years and can be financed with no up-front cost through the DC PACE program.
9. Financial tools like the DC Property Assessed Clean Energy (DC PACE) program and incentives from the DC Sustainable Energy Utility (DC SEU) can pay for increases in construction cost for sustainable design strategies. These could include on-site generation, any strategies that increase efficiency above the baseline code requirements, or stormwater management strategies that garner return on investment through the District's Stormwater Retention Credit Trading program. This financing does not increase debt on the property and is repaid over time as a special assessment on the property tax. DOEE recommends that the applicant investigate opportunities to take advantage of financial tools that would allow increased commitment to sustainability.
10. The District has among the most stringent stormwater management, hazard remediation, air quality, energy conservation, and green building code requirements in the country. A more substantial, full regulatory compliance review by DOEE and other appropriate agencies, including the Environmental Impact Statement Form process, Stormwater Management Permit review, and Green Building Act and DC Green Construction Code compliance, will occur during the permit application process.

XIII. COMMUNITY COMMENTS

As of the date OP completed this report, no comments had been filed to the record from the ANC or community.