

TO: District of Columbia Zoning Commission
FROM: Stephen Cochran, Development Review Specialist
JL for Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: November 10, 2020
SUBJECT: Supplemental Report on Zoning Commission Case No. 20 – 14 - Design Review for Development Proposal for 5 M Street, S.W.

I. BACHGROUND

Responding to concerns expressed by the Zoning Commission at its October 1, 2020 public session, the applicant has significantly revised its application. It is now requesting design review approval of only one development proposal – for a residential project with ground floor retail. The proposal is similar to what previously had been termed the “all-residential” scheme. However, the material submitted on November 3, 2020 (Exhibits 51 and 52) does include some differences from that scheme with respect to the height of one section, all facades, some massing and the number and types of residential units. This supplemental report analyzes the most recent proposal.

II. OP RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission **approve** the design review application of VNO South Capitol LLC and Three Lots in Square 649 LLC for a project at 5 M Street, S.W. (Square 649, Lots 43-45 and 48).

The design generally meets the criteria specified in the following sections of the Zoning Regulations:

- Subtitle I §616 for buildings within the M and South Capitol Streets Sub-Area of the downtown zones
- Subtitle I Chapter 7 design review criteria for the downtown zones
- Subtitle X Chapter 9’s general special exception review criteria.

This recommendation is subject to the following conditions:

- Prior to a Zoning Commission decision on this application, the District Department of Transportation (DDOT) shall provide confirmation to the record that the design of the building and the proposed north-south driveway to be entered from L Street would enable reasonable access to parking and loading for a future building on Square 649, Lot 47; and

- Prior to the issuance of a building permit for the applicant's building, the applicant shall have recorded an easement agreement permitting the owner of Lot 47 to use the north-south driveway described above to access loading and parking for a future building on Lot 47.

These conditions are intended to help ensure a coordinated and reasonable approach to vehicular and loading access on this block, and to minimize impacts on pedestrian ways, in accordance with the intent of the review process. The applicant has agreed to these conditions.

The applicant has also proffered the following additional conditions in response to concerns raised by the ANC, to which OP does not object:

- For the life of the Project, the Applicant shall install building signage that is consistent with the signage shown on the Approved Plans and shall prohibit digital signage or signage using neon lighting on the exterior of the Project.
- For the life of the Project, the Applicant shall install building lighting that is consistent with the lighting shown on the Approved Plans and the Lighting Diagrams (Ex. 32A) and shall prohibit neon lighting on the exterior of the Project.
- For the life of the Project, the Applicant shall include a rider in all residential leases, to be initialed by the residential tenant, that restricts all residential tenants of the Project from obtaining an RPP while under the terms of their lease.

OP has also asked the applicant to provide the following information to the record, prior to a Commission decision:

- Submit a plan showing the proposed location of the approximately 616 square feet of Inclusionary Zoning (IZ) space the applicant estimates the penthouse residential units would require under Subtitle C § 1500.11 and Subtitle C, Chapter 10; and
- Clarify whether the newest design proposes the incorporation of 750 square feet of solar panels, as had been included in earlier designs.

III. SUMMARY OF APPLICATION

Applicant:	VNO South Capitol LLC and Three Lots in Square 649 LLC.
Address:	5 M St., SW
Legal Description:	Square 649 Lots 43, 44, 45 and 48
Boundaries:	The site comprises most of Square 649 in near Southwest Washington, other than lot 47 at the northeast corner of the Square. The Square is bounded by South Capitol Street (east), M Street (south), Half Street (west) and L Street (north). (See Fig. 2, page 11 of this report).
Site's Current Use:	One-story convenience store and surface parking

Adjacent Development: North: Within Square 649, vacant land zoned for 130-foot high development borders the applicant's property on the north and east. There is similarly-zoned vacant land across L Street.

South: Across M Street, S.W., one-story commercial buildings and surface parking adjacent to South Capitol Street and two-story rowhouses fronting on Carrollsburg Place.

West: One-story DC DMV inspection station

East: Stone church across South Capitol Street

Southeast corner of intersection of South Capitol and M Streets: new 130' office building

Neighborhood Context: To the west is the Near Southwest neighborhood. Uses on the west side of South Capitol Street include a recreation center, a hotel, vacant lots, one-story commercial structures with surface parking, two-story row houses, commercial structures and a 10-story residential building and a self-storage facility. To the east is the primarily high-rise Capital Riverfront and Navy Yard neighborhood. Uses on the east side of South Capitol include Nationals Stadium, a self-storage facility, a church and several new 130-foot tall apartment and office buildings. To the near west of the site are low-rise industrial and institutional use buildings. Farther west are a mix of high-rise apartments and offices, rowhouses and low-rise apartments and some institutional uses. To the south, across M Street, are rowhouses and mid and high-rise residential developments.

Ward, ANC: Ward 6; ANC 6D

Zone: D-5 (high-density commercial or residential)

Property Size: 75,757 square feet

Proposal in Brief:

With 687,507 square feet and a 9.08 FAR, the building would contain 608 residential units in 664,125 square feet, and 23,382 square feet of ground floor retail space facing South Capitol Street and M Street. The units would be a mix of studios, one-bedroom, two-bedroom and 3-bedroom units.

The affordable housing requirement for the penthouse residential space (which includes 7 to 8 penthouse units) would be met with approximately 616 square feet of on-site IZ at either 60% or 80% MFI, depending on whether the building's units are rented or sold. There is no other IZ requirement in the D-5 zone. However, the applicant has agreed that an additional 19 on-site non-IZ units would be voluntarily reserved for the life of the project for households earning no more than 80% of the MFI.

Residential amenity space would be at the penthouse level and on an inner-block courtyard. 311 below-grade parking spaces would be provided and more than the required loading facilities would be accessed through a mostly-covered internal driveway system with access points from

Half Street and L Street. An easement to be offered to the owner of the property in the northwest corner of the Square (Lot 47) would be intended to enable parking and loading access from the private, covered driveway on L Street to a future building on Lot 47. There would be more than the required number of long-term and short-term bicycle spaces in the applicant's building.

The first two floors on M Street would be set back 3 feet for a widened sidewalk and there would be a pedestrian drop-off area internal to the site near the driveway entrance on Half Street.

The building would have 23,286 square feet of green roof, and potentially (to be confirmed by the applicant) 750 square feet of solar panels [Exhibit 14B]. It would be designed to achieve LEED Silver (LEED v4 for building design and construction) [Exhibit 59, sheet 114].

The project would meet all use and dimensional requirements in the zoning regulations – no additional relief is requested. Detailed zoning tabulations are on page 55 of Exhibit 52A4 and are summarized in Table 1 of this report.

IV. PROJECT DESIGN

The general site plan schematic is shown in Figure 1 below. It consists of three building areas joined with meaningful connections and grouped around a courtyard that also includes a private driveway with entrances from Half Street and from L Street.

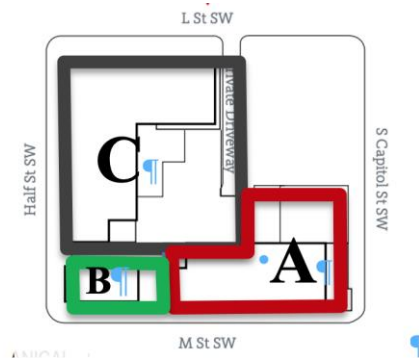


Figure 1. Component Sections of Single Proposed Building

The areas labelled “A” and “B” would have ground floor retail along South Capitol Street and M Street with apartments above. “B” would also provide the meaningful connection between “A” and “C”. The area labelled “C” would have only residential uses. At this time the applicant intends to construct all modules at the same time but has also indicated it may decide to construct the “A” and “B” modules in a first phase and the “C” module in a second stage.

The “A” and “C” sections would have 13 floors in 130 feet and would be connected by the 8-story, approximately 80-foot high section “C”. Each section would have a different façade treatment with some elements common among all three.

In the “A” section there would be setbacks above 110 feet at a 1:1 ratio on South Capitol Street and at a ½:1 ratio on M Street. In the “C” section, the setback above 110 feet would be at an approximately 1/3:1 ratio on L Street and the northern portion of Half Street.

With respect to design, the “A” section of the building would have a three-story brick-faced base and a strongly defined grid above that. The grid would be faced in a lighter color brick than the base and would be subdivided by dark metal spandrels and mullions. Both inset and projecting balconies, as well as inward-angled glass and some decorative wood would give variety to the facade. The bay on the corner of South Capitol and M Streets would be given emphasis by being left substantially open on all but the third floor. The 1:1 setback above 110 feet on South Capitol Street would result in a 24-foot deep terrace with a parapet at the 9th floor. There would also be 20 balconies in this section.

The eight-story “B” section of the building would be sheathed in a modernist curtain wall of metal and tinted glass. The 10-foot setback above the third level would also create a terrace along M Street at that level, which would be set-back 10 feet above the third level, and with some of the upper portion being recessed along M Street to create a terrace at the third level.

The residential entrances for the “A” and “B” sections would be from both M Street and from the private driveway entered from Half Street.

The all-residential 13-story “C” section would be entered from L Street. It would have a three-story brick base with stoops and street entrances on Half Street for the ground-level units. The upper stories would be layered with a glass and metal façade. Within the property line significant portions of the third through 11th stories would project from this layer and be clad with a different masonry, glass and metal treatment. There would be long terraces at the fourth level and a portion of the 11th level. The top two levels would be set-back above 110 feet on L Street and the northern portion of Half Street. 47 units in this section would have glass and metal projecting balconies.

The site plan has been revised in one significant way since the original filing. What had been an open driveway off of L Street in Section “C” would now be covered by floors 3 – 13 of the building’s northern bays and by a third-level platform supporting a deck for the remainder.

V. OP EVALUATION

A design review application in a downtown zone sub-area is not required to undergo as extensive a review as what is required, for example, for a PUD or for a project in Capital Gateway zones. It is specifically exempted from the design review process in Subtitle X, Chapter 6 by X §601.1. It does not, for instance, require a review of the project’s relationship to the Comprehensive Plan, as the development under either alternative would have to be consistent with current zoning. The design review regulations that must be considered are contained within Subtitle I and are noted in the second paragraph on page 1 of this report

A. Conformance with Subtitle I §616 for Buildings in the M and South Capitol Street Sub-Area of the Downtown Zones

The proposal conforms with the objectives of the Sub-Area.

§ 616 M AND SOUTH CAPITOL STREETS SUB-AREA

§ 616.1 The objectives of the M and South Capitol Streets Sub-Area are to ensure the preservation of the historically important axial view of the Capitol Dome and further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood.

The proposed building is within the sub-area, does not intrude on the South Capitol Street axis, and would contribute towards the provision of a high-density mix of uses.

§ 616.2 The general location of the M and South Capitol Streets Sub-Area is the D-5 zoned property with frontage on either side of the designated tertiary street segments of South Capitol Street corridor north of M Street, as indicated with the green lines in Figure I § 616 ... including all or parts of Squares 640, 641, 643E, 644, 646, 648 649, ...

The property is within the sub-area, in Square 649.

§ 616.4 The uses for a building with frontage on a designated primary street segment is governed by Subtitle I § 601.

The proposal complies. The site is not on a primary or secondary street segment.

§ 616.5 The uses for a building with frontage on a designated tertiary street segment are governed by the zone district.

The proposal complies. The site is on a tertiary street segment, where there are no special use regulations and where there are no modifications to dimensional regulations that are not otherwise modified by the sub-area regulations.

§ 616.6 A building with frontage on the designated primary street segments of M Street, S.E. shall:

The site is not on M Street, S.E., nor on a designated primary street.

§ 616.7 The streetwall on the eastern and western sides of South Capitol Street shall be set back for its entire height and frontage not less than fifteen feet (15 ft.), from the property line adjacent to South Capitol Street, with the following exceptions:

(a) There shall be no setback on the west side of South Capitol Street in Square 649 between L and M Streets, S.W.;

The design complies. There would be no setback on South Capitol Street.

Sections (b) and (c) are not applicable.

(d) Any portion of a building that exceeds one hundred ten feet (110 ft.) in height shall provide an additional one-to-one (1:1) setback from the building line along South Capitol Street;

The design complies.

(e) There shall be no openings in building frontages adjacent to South Capitol Street that provide entrances or exits for vehicular parking or loading;

The design complies.

Section (f) is not applicable.

(g) A minimum of sixty percent (60%) of the street-wall on the west side of South Capitol Street shall be constructed on the setback line.

The applicant states that 83% of the street wall on South Capitol Street would be constructed to the setback line, in compliance with this requirement.

§ 616.8 All proposed buildings and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments in the sub-area shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7.

The application is requesting this review, in conformance with the requirements.

B. Conformance with Subtitle I § Chapter 7 Design Review Requirements for Certain Locations in the Downtown Zones

Under Subtitle I § 701.1, the Chapter 7 design review provisions apply to a new building such as the applicant proposes because it has frontage on a designated street segment in the M and South Capitol Streets sub-area. The proposal conforms to seven of the eight relevant criteria and substantially, but not completely, conforms to the eighth.

§ 701.2 (a) In addition to proving that the proposed use, building or structure meets the special exception standards set forth in Subtitle X, Chapter 9, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

(1) Help achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6, in which it is located:

As noted above, the design of the building, its uses and the public space improvements help achieve the objectives of the sub-area: preserving the axial view of the Capitol dome and furthering the development of a high-density mixed-use corridor, as permitted by-right in the zone.

(2) Be in context with the surrounding neighborhood and street patterns;

The proposed building would be consistent with the surrounding street patterns and would not intrude on their rights of way. The set-back from M Street S.W. would enhance the utility of that street's sidewalk and would be consistent with regulations that apply to M Street S.E.

The success of the relationship of the proposed building to its neighborhood context varies with the part of the diverse neighborhood against which it is being evaluated. It would, in balance, be in context with the diversity of building designs and uses in the surrounding area. The site has four general contexts:

- It is part of the monumental South Capitol Street framing the view to the U.S. Capitol;
- It also faces the mixed-use M Street that connects near Southeast's Capitol Riverfront with the near Southwest's riverfront at Washington Channel;
- It is both a gateway to and a part of the unique Southwest neighborhood; and
- It is in an area that has remnants of an industrial past.

As noted above, its scale, materials, massing and uses would be appropriate to the South Capitol Street corridor. In addition to reinforcing the axial view of the Capitol it would help strengthen the urban seam that is helping to join the separate neighborhoods on either side of that street.

The open grid at the corner of South Capitol and M Streets has a scale that is appropriately monumental yet provides a prominent entrance to Southwest that is reflective of the community's tradition of openness. The corner grid's combination of openness and partial enclosure also provides an architectural bookend to the play of openness and enclosure in Arena Stage's newest building at the western end of M Street, S.W.

The proposed building design is not within the mid-twentieth century design tradition common in parts of the Southwest neighborhood, typified by a combination of a taller building, low buildings, and open space that can be accessed by, or at least seen by, the public. However, this is particularly the case on very large lot developments with multiple buildings, as opposed to for a single building on an individual lot. The proposed massing would, however, be consistent with the site's existing high-density mixed-use zoning and land use designation, the existing zoning to the north, and the land use designation immediately to the west that are recommended in the Council-adopted neighborhood plan. The design would, with the possible exception of the "B" section's curtain wall, also be relatively consistent with other buildings constructed or approved within the last twenty years in Southwest, particularly ones along South Capitol and M Streets.

The height reduction of the "B" section also would help the overall building emulate some of the changes in height among buildings facing M Street, S.W. as would the voluntary ½: 1 setback on M Street above 110 feet. The design of the "C" section would be more in keeping with its surroundings if the setback at the corner of L and Half Streets were continued all the way down Half Street.

The design's industrial references, such as its hopper-like windows, would be similar to existing industrial buildings across Half Street, a building on the lower portion of South Capitol Street, and buildings at the Capitol Riverfront and Navy Yard. These references may be more expressive of the east side of South Capitol Street and of Buzzard Point than of the mid-century architectural tradition often associated with Southwest.

Finally, with respect to the older residential patterns on the south side of M Street's 110-foot right-of-way, the proposed building would clearly be taller than the two-story rowhouses that face Carrollsburg Place and that present blank side walls to M Street. The applicant has attempted to respond to their scale by designing the first three stories of the building as a darker brick base with a vertical emphasis. The use of steps and stoops on much of the Half Street's three-story base would also help bring a more residential scale and feel to that part of the building, somewhat like Carrollsburg Place's pattern of separate rowhouse entrances.

(3) Minimize conflict between vehicles and pedestrians;

There would be one curb cut on Half Street and one on L Street. This would minimize potential conflicts on South Capitol Street or M Street, where there is more pedestrian traffic.

(4) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and

There would be no blank walls adjacent to public spaces.

(5) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards;

The project would meet the minimum threshold of 50 points needed to be certified as LEED Silver (LEED v4 for building design and construction). Sustainability features would include approximately 23,286 square feet of green roof. Previous designs had included at least 750 square feet of east-facing solar panels, but it is not clear what the applicant is currently proposing for solar panels. Although the GAR score would meet current sustainability standards, OP has encouraged the applicant to consider other measures that would increase the LEED score.

The applicant has noted that it has entered into discussions with DDOT about the heritage tree in public space on Half Street. (just curious – for "protection: or for "removal" – not for the report)

§ 701.3 The Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

The applicant has not requested any special exception relief other than that which is integral to this design review process and has requested no relief from specific zoning provisions.

C. Conformance with Special Exception Review Standards of Subtitle X § 901.2

§ 901.2 (a): Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

As discussed above, the proposal would be in harmony with the zoning regulations and maps for the D-5 zone and the M and South Capitol Street Sub-Area.

§ 901.2 (a): Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

It does not appear likely that the proposal would tend to adversely affect the use of neighboring property in accordance with the zoning regulations. The proposed height, density and uses are permitted by right. The project would provide significantly more vehicle parking than is required, more bicycle parking than is required and more loading than is required. This would minimize the potential impact on street parking in the neighborhood. The proposed easement with the adjacent property in Square 649 may help ensure there would be no additional curb cuts within the Square, although the recent design changes that would place structure support columns on the boundary between these two properties may reduce the effectiveness of this easement. The provision of steps and stoops in the "C" section would set a positive precedent for other new residential development on currently unused or underutilized nearby land.

Shadowing on existing residential properties would likely be minimal as the site is north of and across a 110-foot right of way from the nearest residential structures. Any shadowing would be on the one-story industrial buildings to the west and the vacant properties to the north, across L Street.

The width of South Capitol Street and the presence of the underpass at M Street would help to mitigate any impacts to properties on the east side of that street.

§ 901.2 (c) Will meet such special conditions as may be specified in this title.

These conditions would be met.

VI. ANC COMMENTS

ANC 6D comments and prepared testimony are included in Exhibits 19 – 19B. Other ANC comments were anticipated at the time OP completed this report.

VII. OTHER PUBLIC COMMENTS

At the time OP completed this report, the file contained s three exhibits in support of the project and 30 exhibits in opposition to the project.

VIII. OTHER DISTRICT AGENCY COMMENTS

The District Department of Transportation (DDOT) has filed a report (Exhibit 16) stating DDOT has no objection to approval of the proposed scheme, subject to conditions concerning the proposed easement for the driveway between the applicant's property and Lot 47, and the implementation of the Transportation Demand Management Plan in the applicant's Comprehensive Transportation Review and four additional conditions to the TDM relating to curb extensions, the sidewalk on L Street and the proposed Capital Bikeshare Station. OP notes that the applicant's newest filings have changed building design in the area where the easement has been proposed. The private driveway off of L Street would now be enclosed above the 2nd floor and structural supports would extend along the eastern property line shared with Lot 47. At the time OP completed this report DDOT had not commented on this change.

There were no other District agency comments on file at the time OP completed this report.

Attachment: Site Location

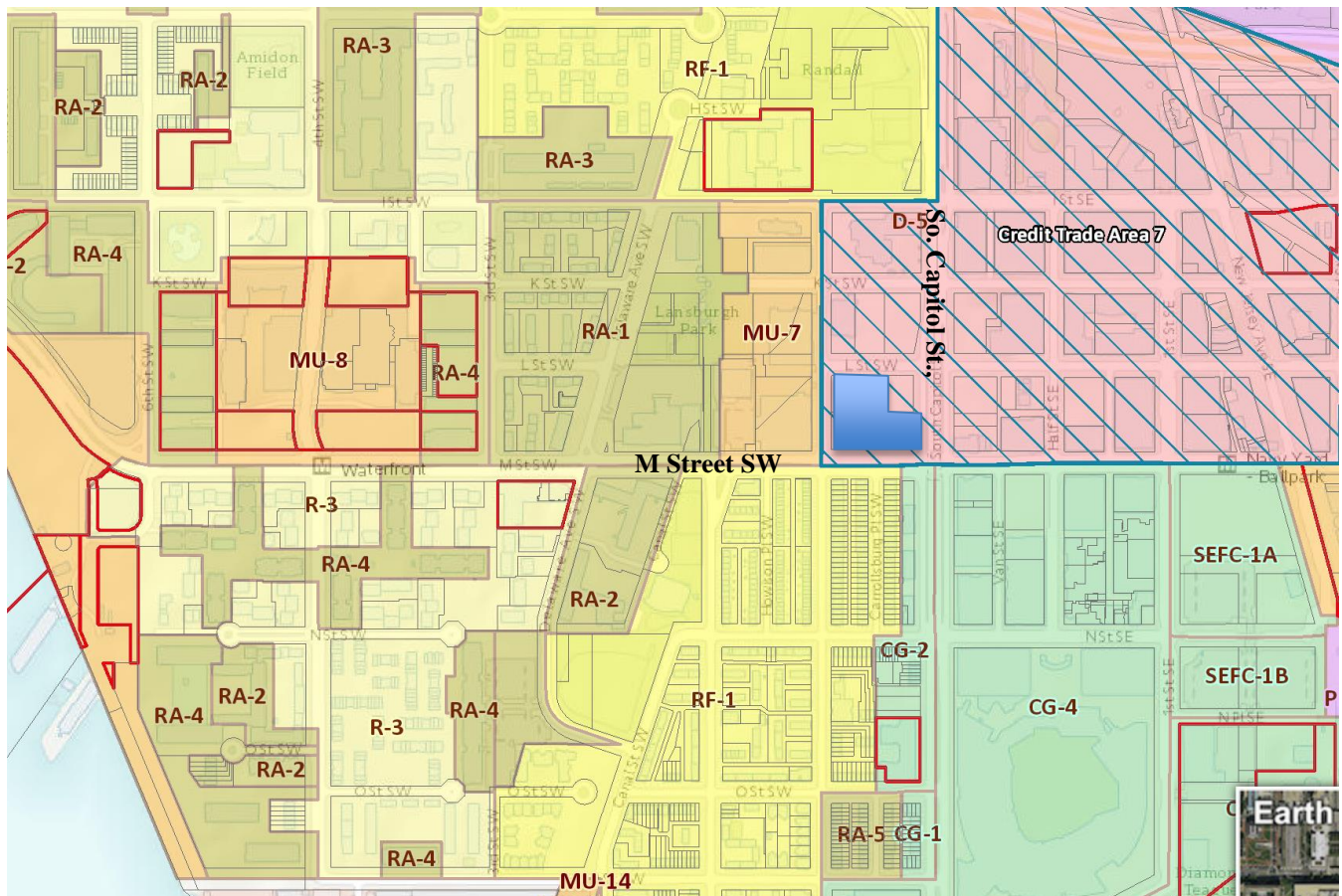


Figure 2. Site (in blue) Location Map