

TO: District of Columbia Zoning Commission
FROM: Stephen Cochran, Development Review Specialist
JL for Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: January 8, 2021
SUBJECT: Second (Post-Hearing) Supplemental Report on Zoning Commission Case No. 20-14 - Design Review for Development Proposal for 5 M Street, S.W.

I. BACKGROUND

This second OP supplemental report addresses additional information submitted by the applicant in response to questions and concerns raised at the November 10, 2020 public hearing by the Zoning Commission, ANC 6D, the Office of Planning (OP), the District Department of Transportation (DDOT) or the Square 649, Lot 47 Party that was in opposition at the time of the hearing, but has since withdrawn its opposition (Exhibit 63).

II. REVISED 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).

This recommendation is subject to the following condition, to which the applicant and the Party previously in opposition have agreed. This condition modifies the two conditions OP had recommended in its report dated November 10, 2020 (Exhibit 17).

Prior to the issuance of a Building Permit for any phase of the Project, the Applicant shall demonstrate to the Zoning Administrator that (i) it has obtained public space approval for the curb cuts on Half Street, S.W. and L Street, S.W. shown in the Approved Plans; (ii) it has recorded an easement agreement permitting the owner of Lot 47 to share in the use of the private driveway for purposes of ingress and egress to parking, loading and service areas associated with future improvements on Lot 47; and (iii) it has provided a copy of the recorded easement agreement to the District Department of Transportation's Planning & Sustainability Division. The easement agreement shall provide, consistent with Approved Plans, for a driveway of no less than 22 feet of clear width along the property line shared with Lot 47 and having a minimum vertical clearance of 18 feet. The easement shall further provide that if the Property is developed in a southern Phase A and a northern Phase B as set forth in this order, and Lot 47 is developed prior to the completion of Phase B, then during construction of Phase B,

parking and loading access to Lot 47 shall be provided via the curb cut and driveway off of Half Street, S.W., rather than from L Street, S.W., until such time as the construction of Phase B is completed. The temporary east-west easement area shall have a vertical clearance of no less than 14 feet, 6 inches and a clear width of no less than 20 feet, as shown on the Approved Plans. Upon completion of Phase B, the temporary easement shall expire and the permanent easement from L Street, S.W. shall be implemented in accordance with the terms therein.

This condition is 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. .

III. SUMMARY OF PROPOSAL AS UPDATED TO DECEMBER 31, 2020

In this section, changes to the proposal made since the hearing are indicated with ~~strike throughs~~ for deletions and underlines for new information.

With ~~687,507~~ 682,351 square feet and a ~~9.08~~ 8.7 FAR, the building would contain ~~608~~ 615 residential units (+ 10% or – 15% depending on final number of 3-bedroom units) in ~~664,125~~ 659,325 square feet of residential space, and ~~23,382~~ 23,026 square feet of ground floor retail space facing South Capitol Street and M Street, S.W. The units would be a projected mix of 10% to 30% studios, 20% to 50% one-bedrooms, 25% to 45% two-bedrooms and 20% 3-bedroom units.

The affordable housing requirement for the penthouse residential space (which includes 8 penthouse units) would be met with at least 616 square feet of on-site IZ at either 60% or 80% MFI, depending on whether the building's units are rented or sold. The unit would be located on the 5th floor, facing M Street, rather than facing the interior courtyard as previously proposed. At present, there is no other IZ requirement for a building in the D-5 zone, although at the Commission's request OP will be presenting proposals for IZ's expansion later this year. While the applicant has reiterated its previous commitment to voluntarily reserve an additional 19 on-site units at below market rate for the life of the project, it has reduced the proposed Median Family Income eligibility ceiling from 80% to 60% MFI whether the units are rental or for-sale.

Residential amenity space would continue to be at the penthouse level and on an inner-block courtyard.

~~344~~ 299 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. As noted in the recommended Condition, an easement to be offered to the owner of the Lot 47 property in the northwest corner of the Square would provide for 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~~ 22,692 square feet of green roof, and ~~750~~ 1,000 square feet of solar panels. It continues to be designed to achieve LEED Silver (LEED v4 for building design and construction).

The project would meet all use and dimensional requirements in the zoning regulations. No additional relief is requested. Detailed zoning tabulations are on page 56 of the plans in Exhibit 61. A comparison of the zoning tabulations at the time of the hearing and now is attached to this report.

The applicant has also agreed to include the following additional conditions in the Order in response to concerns raised by the ANC.

- 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 and (newly) digital 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.

The applicant has informed OP that the unit mix of the below-market-rate non-IZ units would be proportional to the mix of market-rate units, which would include 3-bedroom units. OP has asked the applicant to note for the record that there would be at least one 3-bedroom unit among the 60% Median Family Income non-IZ units the applicant intends to provide.

IV. MAJOR CHANGES TO PROJECT DESIGN SINCE THE HEARING

The general site plan schematic is shown in Figure 1 below and has not been modified since the hearing. 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.

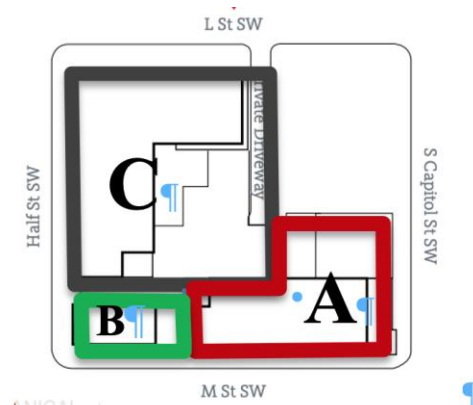


Figure 1. Component Sections of Single Proposed Building

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. The applicant has requested flexibility to construct in either one or two phases. If in two phases, the “A” and “B” modules would be in the first phase and the “C” module would be in the second stage. Heights would vary from 110 feet to 130 feet in modules A and C and from 80 feet to 20 feet in module B. (Exhibit 61, page 16),

The project’s revised massing and architectural design are similar to what was presented at the hearing, but there have been significant refinements since then. Major changes in response to the Commission, the ANC, OP or the owner of Lot 47 include:

- Further distinguishing the façade treatments of each of the modules;, using concrete and glass in Module A to emphasize the monumental context on South Capitol Street,; textured brick and glass and cantilevered balconies in Module C to reflect the mid-century modern residential context of the Southwest neighborhood; and a glass pavilion for Module B to provide a transition between the other two modules;
- Returning to the originally-proposed weatherproofed concrete cladding of the frame for the A module;
- Eliminating the industrial-aesthetic hopper-like fenestration and balconies in the A module;
- Leaving more of the bays in the A and B modules open to give more permeability at building corners;
- Thinning spandrels and vertical mullions and refining the articulation of brick patterns to lighten the façade of the C module and provide more references to mid-century buildings in Southwest;
- Setting-back additional sections of the upper two floors of the A and C modules to tier-down the scale of the building as it moves from the monumental context of South Capitol Street to the more residential context to the west,;
- Refining the first three stories of the Half Street façade in the C module to further reference rowhouses across M Street, S.W.;
- Significantly increasing the number of balconies the linear footage of private terraces.

The location of building entries for pedestrians and vehicles would remain as previously shown. The driveway off of L Street would continue to be covered, as in the drawings presented for the hearing, but refinements have been made at the ground level to accommodate future access to Lot 47.

V. OP EVALUATION OF POST-HEARING RESPONSES AND CHANGES

None of the design or programmatic changes since the hearing have changed OP’s evaluation of the proposal, which is detailed in OP’s November 10, 2020 Supplemental Report (Exhibit 17), pages 5-9). The design continues to generally meet the mandatory criteria specified in the following sections of the Zoning Regulations:

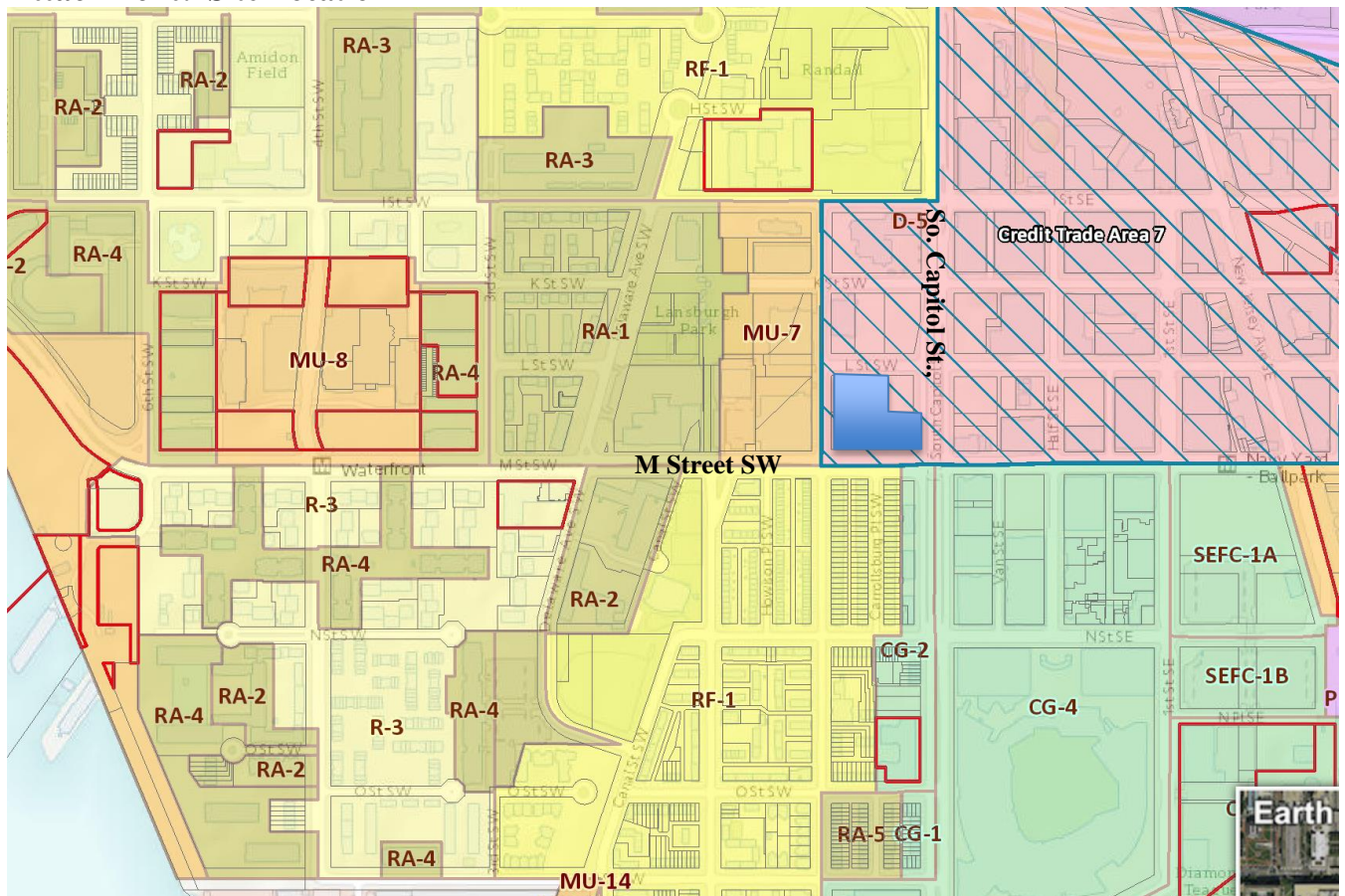
- Subtitle I §616 Criteria for Buildings in the M and South Capitol Street Sub-Area of the Downtown Zones;
- Subtitle I § Chapter 7 Design Review Requirements for Certain Locations in the Downtown Zones;
- Special Exception Review Standards of Subtitle X § 901.2;
- All other relevant zoning requirements.

Subtitle X, Chapter 6 by X §601.1 exempts the sub-area from other types of design review.

The proposal meets the requirements of the D-5 zone, and that high-density zone is consistent with the site's high-density designation on the Comprehensive Plan's Future Land Use Map.

The design is required by the Zoning Regulations to be responsive to the surrounding neighborhood context and the revisions would increase the project's compatibility with the Southwest neighborhood context while providing the type of high-density mixed use development framing the Capitol dome that the zone and sub-area encourage.

Attachment: Site Location



Site (in blue) Location Map