

APPLICANT’S DRAFT ORDER

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

Z.C. ORDER NO. 20-18

Z.C. Case No. 20-18

1319 South Capitol Owner, L.L.C.

December 17, 2020

Pursuant to notice, the Zoning Commission of the District of Columbia (the “Commission”) held a public hearing on October 26, 2020, to consider the application of 1319 South Capitol Owner, L.L.C. (the “Applicant”) for Design Review approval for new construction (the “Project”) located along South Capitol Street south of N Street, S.W. (Square 653, Lots 14, 15, 53, 54, 60-64, 68, 70, 810, 811, and 831) (the “Property”) in the CG-2 Zone District (“Application”). The Applicant requested Design Review approval pursuant to Subtitle K, Section 512 of the District of Columbia Municipal Regulations (“DCMR”) (the “Zoning Regulations,” to which all section references are made unless otherwise specified).

The Commission considered the Application for the Project pursuant to Subtitles X and Z. For the reasons below, the Commission hereby **APPROVES** the Application.

FINDINGS OF FACT

Notice and Application

1. Pursuant to Subtitle Z § 301.6, on December 27, 2019, the Applicant mailed a Notice of Intent to file a Design Review application to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 6D, the “affected ANC” per Subtitle Z, § 101.8. The Applicant thereafter presented the Project to ANC 6D. (Exhibit [“Ex.”] 3D.)
2. On July 24, 2020, the Applicant filed the Application, including the request for flexibility, along with other required and supportive documentation and plans. (Ex. 1-3F.)
3. By letter dated August 7, 2020, the Office of Zoning (“OZ”) sent notice of the October 26, 2020 virtual public hearing to:
 - The Applicant;
 - ANC 6D;
 - ANC Single Member District (“SMD”) 6D06;
 - Office of ANCs;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The District of Columbia Housing Authority (“DCHA”);
 - The Office of the Attorney General;
 - The Department of Consumer and Regulatory Affairs (“DCRA”);
 - The Department of Energy and Environment (“DOEE”);
 - The Ward 6 Councilmember; Chair of the Council; and the At-Large Councilmembers;
 - The National Capitol Planning Commission (“NCPC”); and

- Owners of property within 200 feet of the Property. (Ex. 6, 7.)
4. Pursuant to Subtitle Z § 402, on August 3, 2020, OZ published the Notice of Public Hearing in the August 14, 2020 edition of the *D.C. Register*. (Ex. 4.)
 5. The Applicant posted notice of the hearing on the Property on September 15, 2020, and maintained such notice in accordance with the Subtitle Z § 402.3. (Ex. 10, 22.)

Parties

6. Apart from the Applicant and ANC 6D, there were no parties to the proceeding and no requests for party status.

The Property

7. The Property contains approximately 37,453 square feet of land area and fronts on N Street, S.W. and South Capitol Street, S.W. (Ex. 3.)
8. The Property is located between the Buzzard Point and Navy Yard neighborhoods in Ward 6 and is bounded by N Street, S.W. to the north, South Capitol Street, S.W. to the east, the Camden South Capitol Apartments to the south, and an alley and Syphax Village to the west. (Ex. 3.)
9. The Property is currently improved with a surface parking lot and eight (8) rowhouses located along South Capitol Street, S.W. and N Street, S.W. (Ex. 3.)
10. The surrounding area consists of a mix of low- and high-density residential structures and larger scale commercial, industrial, and entertainment uses, including drinking and eating establishments. The Nationals Ballpark is located directly east across South Capitol Street. The Navy Yard-Ballpark Metrorail Station is located less than ½ mile from the Property. (Ex. 3.)
11. The Property is located in the CG-2 zone. The CG-2 zone is intended to permit medium-density, mixed-use development focused on residential use and to establish South Capitol Street as a “monumental civic boulevard.” (11-K DCMR § 502.1.)
12. The Generalized Policy Map (“GPM”) of the Comprehensive Plan (Title 10A of the DCMR, the “Comp Plan” or “Plan”) designates the Property as a Land Use Change Area. The purpose of Land Use Change Areas is to “encourage and facilitate new development and promote the adaptive reuse of existing structures” (10-A DCMR § 225.11.) These areas are also intended to incorporate “exemplary site and architectural design and innovative environmental features, compatible with nearby neighborhoods, protect cultural and historic assets, and provide significant affordable-housing and employment opportunities.” *Id.* § 225.12.

13. The Future Land Use Map (“FLUM”) of the Comp Plan designates the Property as Medium Density Residential and Moderate Density Commercial. The Comp Plan defines the Medium Density Residential designation as suitable for low- and moderate density housing, mid-rise apartment buildings, and higher density when complying with Inclusionary Zoning (“IZ”). § 227.7. The Moderate Density Commercial designation consists of areas ranging from small business districts serving surrounding neighborhoods to larger business districts with buildings typically larger than buildings in Low Density Commercial areas. § 227.11.
14. The Property is also subject to the Citywide and Lower Anacostia/Near Southwest Area elements of the Comp Plan, and the Southwest Neighborhood Plan (which was adopted by the D.C. Council as a Small Area Plan; the “SAP”). (Ex. 3, 12.)

The Project

15. The Applicant proposes to construct a residential building of approximately 269,661 square feet and a height of 110 feet or eleven (11) stories (the “Building”) with approximately 310 units, approximately 180 vehicular parking spaces, and approximately 100-107 bicycle parking spaces. In addition, the Applicant will retain and renovate two (2) existing rowhouses on South Capitol Street and portions of four (4) existing rowhouses on N Street. The Applicant is proposing flexibility to include up to 3,800 square feet of commercial use in the two South Capitol Street rowhouses and/or the three (3) units designed to be usable as “live/work” units proposed along South Capitol Street. (Ex. 12.)
16. The Project will have a floor area ratio (“FAR”) of 7.2 and will occupy approximately 69% of the Property. (Ex. 3.)
17. The Project’s residential units will begin on the ground floor with a variety of residential unit sizes, including three new “townhouse units” embedded in the new building and fronting on South Capitol Street and walk-out units along N Street. (Ex. 3)
18. On each of its facades, the Building incorporates high-quality and durable materials and a color palette that complements the style of the surrounding neighborhood, particularly the older townhouses and institutional buildings. The Building incorporates a façade that primarily employs masonry integrated with glass forms. The Building has been designed to frame the scenic vistas north and south along South Capitol Street while respecting the intent of the setbacks required from South Capitol Street. The balcony projections into such setbacks are minor and deliberate, including designing such balconies out of glass so that they will not interfere with the viewsheds along this important thoroughfare. (Ex. 3)
19. Along South Capitol Street, the Building is primarily masonry punctuated by dynamic glass forms including vertical components and balconies. The shapes and cadence of the Building openings are intended to integrate the design of the South Capitol rowhouses while the materiality and coloration is intended to reflect and complement the South Capitol rowhouses while not mimicking these forms. The design allows both components of the Project (and other South Capitol rowhouses) to exist in a coherent but separate

fashion that also draws similarities to the newer surrounding building context such as the neighboring building at 1345 South Capitol Street. The Building incorporates “projecting” sawtooth components along its northern façade (although these do not project into public space) and dispersed vertical groupings of balconies to break up the mass and relate the Building’s form to the adjacent rowhouses. The South Capitol Street façade will also feature three new “townhouse” units that will reflect the scale and character of the rowhouses being retained along this frontage. (Ex. 3)

20. Along the N Street façade, the northern tip of the Building has been designed to be comprised primarily of glass, while still integrating masonry banding, in order to allow the “weight” of the Building to seem reduced along N Street. Similarly, the Building is proposed to be set back from the N Street rowhouses approximately 15 feet from the N Street property line while portions of the N Street homes are retained, restored, and integrated into the Project design. The fusion of the new Building and the existing rowhouses has been carefully studied to maximize the preservation of four (4) of the five (5) existing rowhouses along this frontage while also allowing for the reuse of those units. The new Building is carved away from the existing four (4) rowhouse forms at the base of the new Building to allow for each rowhouse to exist on its own and to be able to be seen as the single-family home for which it was constructed. (Ex. 3)
21. The west facade of the Building is similarly highly articulated. On the west façade, the Building has been designed to complement and incorporate the scale and materials found in the Syphax Village community. Specifically, the scale of the Syphax rowhouses is reflected in the brick cornice line and detailing along the west façade of the Building. The Building employs a wide variety of architectural features to break down the mass and add visual interest along the west elevation, including breaking the long linear façade into two primary planes, creating an ample court at the southwest of the Property, integrating numerous balconies, substituting glass for masonry along the eleventh story, and introducing recessed vertical components, including balconies. (Ex. 3)
22. Two (2) of the three (3) South Capitol rowhouses owned by the Applicant are being retained and restored. These structures will be designed to accommodate residential or commercial use. The Building has been designed to complement the color, materiality and design of these rowhouses while also allowing these rowhouses to exist on their own. The Project sets back from these rowhouses a significant degree, including the provision of significant open space between the rowhouses (including the neighbor’s rowhouses) and the new Building. The Building was also designed to step back along its northern façade that fronts on the east/west alley, resulting in even more prominence for the South Capitol rowhouses. (Ex. 3)
23. The Project is designed to help frame and enhance the monumental viewshed along South Capitol Street between the U.S. Capitol and the Anacostia River. The differentiation in height and massing between the Building and the retained rowhouses will contribute to a varied articulation in the Capital Gateway. (Ex. 3, 3F1-3F5, 12, 12A1-12A3.)

24. The main Building pedestrian entrance will be located on South Capitol Street. Parking and loading for the Building will be accessed from the sixteen (16) foot wide public alley to the west. The Project will also include an area for vehicular pick-up/drop-off adjacent to the Building entrance along South Capitol Street that will be accessed through the existing ten (10) foot wide public alley along South Capitol Street. (Ex. 3)
25. The Project will incorporate a robust landscaping plan that allows for the integration of an interior hardscaped and landscaped plaza that will incorporate trees and special paving materials, and a pet relief area. The landscaped area on the interior of the site opens up to South Capitol and fuses with the east-west alley to welcome pedestrians into the site. Similarly, the landscape plaza turns north into a mews that embraces and integrates the west facade of the rowhouses fronting on South Capitol. The Project also includes maximizing tree cover in public space, including installing a double row of trees where possible along South Capitol Street and ample front yards and trees along N Street. (Ex. 12, 12A2.)
26. The Project will achieve a LEED v.4 Gold rating and will incorporate a solar panel area of approximately 1,000 square feet. (Ex. 12, 12A1-12A3.)

Flexibility Requested

27. The Application requests Design Review approval as required by Subtitle K, Section 512 of the Zoning Regulations for a proposed building and exterior renovation of existing structures on a property abutting South Capitol Street. The Applicant also requested elements of design and implementation flexibility in its pre-hearing letter to the Zoning Commission, filed as Exhibit 12 in the record.
28. In addition, the Application requests flexibility pursuant to Subtitle X, Section 603.1 for relief from the rear yard requirements under Subtitle K, Section 502.7, court requirements under Subtitle K, Section 502.9, and the South Capitol Street setback requirements under Subtitle K, Section 510.1(b)(1).
 - a. Rear Yard. Although the majority of the southern portion of the Building complies with the 15-foot rear yard requirement under Subtitle K, § 502.7, the Building consists of additional components that require rear yard flexibility as they provide depths of 3, 7, and 11 feet, as shown on Page 12 of Exhibit 3F1. The lot narrows at the northern portion and the Project abuts an alley. The requested rear yard flexibility would allow for sufficiently-sized units along a double loaded corridor while still allowing the Building to set back from the rowhouses along South Capitol Street and still providing sufficient open space with the Syphax Village property to the east. (Ex. 3F1.)
 - b. Court. Based on the 110-foot height of the Building, a court width of 36 feet, 8 inches is required. However, given the unique shape of the Property and the lot lines of the adjacent properties, along with the existence of a ten (10)-foot wide public alley, a court of 28 feet, 8 inches is provided in the interior of the Property

on the east side of the Building. This court area is a result of the design of the Building which prioritized compatibility and setbacks from the rowhouses along South Capitol Street, in part as the result of a development agreement between the Applicant and the Southwest Neighborhood Assembly (“SWNA”). Otherwise, the Building would have been constructed up to and over the portions of the Property along South Capitol Street with rowhouses. (Ex. 3)

- c. South Capitol Street Setback. Although the majority of the Building complies with the required 15-foot setback along the South Capitol Street frontage, the Building includes balconies and canopies along South Capitol Street which project a maximum of four (4) feet into the setback zone. These canopies and balconies contribute to the varied articulation of the Building’s façade. The balconies in particular provide important outdoor space for residents. The balconies located on the South Capitol Street façade will be largely transparent, thus minimizing their presence within the setback zone. The Project also includes walk-out patios and steps for the three (3) new townhouse units along South Capitol Street, extending approximately 10 feet, 4 inches into the setback zone with brick walls extending approximately 4 feet, 8 inches into the setback zone. These patios and steps will help to integrate the Building into the adjacent South Capitol Street streetscape. (Ex. 3 and 12.)

Applicant’s Justification

29. In addition to the testimony at the public hearing, the Applicant made the following submissions to the record in support of the Application:
 - a. Initial Application and related package dated July 24, 2020 requesting Design Review approval (the “Initial Application”); (Ex. 1-3F5.)
 - b. A Comprehensive Transportation Review (“CTR”) dated September 11, 2020, which included a Transportation Demand Management Plan (“TDM Plan”); (Ex. 11-11B.)
 - c. A prehearing submission dated October 6, 2020 (the “Pre-Hearing Statement”); (Ex. 12-12C.)
 - d. Presentation materials for the October 26, 2020 virtual public hearing (the “Hearing Presentation”); and (Ex. 40A1-40A2.)
 - e. A post-hearing submission dated November 23, 2020 (the “Post-Hearing Statement”); (Ex. __.)

Community Outreach

30. The collaboration between the Applicant and the community resulted in a number of changes to the Project’s design, including the preservation and inclusion of the several

existing rowhouses into the Project design, incorporation of commemorative elements that reference the history of the neighborhood and the site, the design and use of the N Street rowhouses, the design of a pet relief area, and incorporating units designed to be “live/work” along with potentially including commercial uses in the two (2) retained rowhouses along South Capitol Street, among other changes to the Project. The Applicant presented at ANC 6D’s July 7, 2020 and July 13, 2020 meetings, as well as the October 5, 2020 ANC 6D Administrative Meeting and October 13, 2020 ANC Business Meeting. (Ex. 12.) The Applicant also met numerous times with SWNA, Syphax Village, and the neighbors immediately adjacent to the Property. (Ex. 12.) The Applicant has entered into several agreements with the community and neighbors, including the Good Neighbor Agreement with Syphax Village, dated as of October 14, 2020 (the “Good Neighbor Agreement with Syphax Village,” Ex. 16A), the Good Neighbor Agreement with owners of properties along South Capitol Street and N Street, dated as of October 11, 2017 (the “Good Neighbor Agreement with Adjacent Neighbors,” Ex. 16A), Crane Overswing Agreements with adjacent owners, dated as of October 11, 2017 (the “Crane Overswing Agreements,” Ex. 16B1-16B3), and the South Capitol Development Agreement with SWNA, dated as of October 4, 2019 and amended April 29, 2020. (“SWNA Development Agreement,” Ex. 16C1-16C3.)

Responses to the Application

OP Report

31. OP filed a report on October 16, 2020 recommending approval of the Project (“OP Report”). The OP Report found that the Application satisfied the Design Review criteria under Subtitle K, Section 512 and the requested Design Review flexibility for the rear yard, court, and South Capitol Street setback was compatible with Subtitle X, Section 603. The OP Report further found that the Application would not be inconsistent with the Comprehensive Plan. (Ex. 17.)
32. OP recommended approval subject to conditions that would help ensure the Project meets the established Design Review criteria. These conditions included developing the Project – including maintaining rowhouses on South Capitol Street, incorporating existing rowhouses on N Street, and creating three new rowhouse style entrances on South Capitol Street and maintaining the façade at the first two stories of the new building along South Capitol Street, including canopies, lighting, brick friezes, brick detailing around the windows, and the brick cornice above the second floor - as generally shown on the plans shown in Exhibit 12A and constructing the balcony railings primarily of glass. The OP Report also strongly encouraged the Applicant to achieve the LEED v. 4 Gold level and to incorporate a solar array larger than the 600 square footage array shown in the record at the time of the OP Report to help satisfy Subtitle K, § 512.3(f). The OP Report also requested that the Applicant quantify the energy generation of the proposed solar array and compare it to energy usage of the Building. (Ex. 17.) The Applicant responded to OP’s feedback by committing to achieving LEED Gold status and incorporating an area of solar panels of approximately 1,000 square feet into the Project, stating that such solar panels would typically power approximately two percent

(2%) of the Building's common areas annual power needs. (Transcript ["Tr."] at 37-38.)

DDOT Report

33. DDOT filed a report dated October 16, 2020 ("DDOT Report"), stating that it had no objection to approval of the Project subject to two conditions. (Ex. 18.) The first condition requested an extension of the proposed 12-foot easement northward to the edge of Lot 830 to allow for access to Lots 829/830 and an easement across part of the alley to provide access to the alley from the rowhouses. The second condition included three additions to be incorporated into the TDM Plan. The Applicant agreed to these conditions with further refinements to the TDM Plan components at the October 26, 2020 hearing and in its post-hearing submission. (Tr. at 39; Ex. ____.)

ANC Report

34. ANC 6D submitted a report ("ANC Report") stating that at its regularly scheduled and duly noticed public meeting on October 13, 2020, ANC 6D voted to support the Application. The ANC Report notes that the Applicant collaborated extensively with the community, resulting in formal agreements to address historic preservation concerns and affordable housing. (Ex. 16.)
35. The ANC Report noted that the ANC conditioned its support on: (1) the Applicant fully complying with the terms of the Good Neighbor Agreement with Syphax Village, Good Neighbor Agreement with Adjacent Neighbors, the Crane Overswing Agreements, and the SWNA Development Agreement (Ex. 16A-16C.); (2) the Applicant providing copies of the Voluntary Clean-Up Action and Health & Safety Plan as part of the Voluntary Clean-Up Program and agree to scheduling a meeting with the company performing the cleanup, ANC 6D, DOEE and the community prior to beginning work thereunder; (3) the four (4) vertical rowhomes along N Street being incorporated into the Project as "vertical rowhouses" and designated as affordable; and (4) that no neon or digital signage be displayed on the Building. The Applicant agreed to these conditions with the stipulation that the four (4) vertical rowhouse units would be designated as affordable units if the District agencies approved such concept within the IZ program. (Ex. 16, 40A.)
36. The ANC Report also included additional "considerations" that were not conditions of its support but noted as items for discussion at the hearing. These considerations, and the Applicant's responses to each, were as follows:
 - a. That the Applicant consider including Kings Mill color brick on the Building's west and north façade – The Applicant noted at the hearing that it studied this coloration but selected the presented brick as the result of a careful consideration of the surrounding community materiality and coloration. The Applicant did not want to mimic the historic Syphax School building but rather wanted to select a color that

- complemented that structure and pulled in hues of its context while specifically including coloration from the James Creek community.
- b. That the Applicant include pet relief area and maintenance details – The Applicant noted at the hearing that it did include a pet relief area and maintenance details on the relevant detail sheets, as the result of the ANC’s request.
 - c. That the Applicant include a landscape management plan – The Applicant noted at the hearing that it did include components of landscape management within the details that it submitted to the record in response to the ANC’s request. In addition, the Applicant noted that the landscaping and hardscaping areas would be maintained in a first-class manner appropriate for this location and this Project.
 - d. That the Applicant provide the ANC a construction management plan prior to the start of construction, including truck routes – The Applicant noted at the hearing that it agreed to this and would incorporate it into the conditions.
 - e. That the Applicant incorporate commemorative signage on the N Street and South Capitol Street rowhouses being retained along with brick outlines of the two rowhouses being razed – The Applicant noted at the hearing and in its filed materials that it agreed to these concepts and would incorporate them into the conditions.
 - f. That the Applicant consider providing air purifier units to residents with homes near the Property during the Voluntary Clean-Up Action work – The Applicant noted at the hearing that it would be premature to agree to providing these air purifier units and that the clean-up process would allow for further discussion of the necessity of such equipment.
 - g. That the Applicant provide regular updates to ANC 6D on the status of the project including changes that occur to the design of the N Street homes, the overall IZ unit mix, the price and occupancy of the live/work-designed units, and if the live/work concept is not successful, that further consideration be given to consulting with the ANC on replacement retail or conversion to affordable units – The Applicant responded at the hearing and in its post-hearing submission that it would be able to provide regular updates to ANC 6D on the status of the project, including changes that occur to the design of the N Street rowhouses, the overall IZ unit mix, and the status of the live/work units.

(Ex. 16, 16A-16D, 40A1, ____; Tr. at 13.)

Other

- 37. Several community members, including Christopher Williams, Rachel Davis, and Coy McKinney, submitted letters in opposition and gave testimony regarding their concerns that the Project did not provide sufficient affordable housing. Primary objections requested that the Building offer a mix of 1/3 market rate, 1/3 workforce, and 1/3 deeply affordable units. Opponents stated that the Project would exacerbate gentrification in Southwest. (Ex. 23; 25; 28; 30; 31; 34; 35; 36; 37; and 39; Tr. at 107-110; 118-125) They argued that the SAP requires equity and inclusion with a mix of races, ages, and income levels. They noted statistics demonstrating the increasing white population and decreasing black population in Southwest D.C., including a study that named Navy Yard the most gentrified area in the country. Arguing that Southwest has been

inundated with an overabundance of luxury apartments, they alleged that the Project's offering of 8% affordable housing, or 24 out of 310 units, was not an exemplary model of equity and inclusion as required by the SAP. In addition, they argued that the Project was inconsistent with the Framework Element of the Comp Plan, specifically the Element's goals to support a more equitable and diverse city. They also alleged that the Project fails to meet the goals of the Opportunity Zone in which it is located by failing to offer sufficient affordable housing.

38. Two neighbors of the Property, Gregory Keagle, and Dr. Sheila Samaddar, submitted several letters and filings in opposition and gave testimony regarding the impacts the Project would have on adjacent properties, including the shadowing effects of the Project, the Project's lack of appropriate setback, and lack of proper notice for meetings from ANC 6D. (Ex. 24A1-24A10; 27; 32; 33; Tr. at 110-117; 151-156.) They alleged that the shadowing effects of the Project will adversely affect the adjacent property owners' ability to procure solar energy and would be harmful to their health and enjoyment of green space. They also alleged that the Building would not be properly set back from the rear property line of the adjacent properties on South Capitol Street and that the Project would infringe on their access to a right-of-way from the rear of their properties. They also noted concerns over potential damage the Project's construction might have on nearby structures.
39. Two organizations in support – SWNA and Syphax Village – submitted one letter each and testified, applauding the Applicant's engagement with the community and willingness to modify the Project to reflect the community's concerns. (Ex. 20; Tr. at 103-107.)

Public Hearing

40. After proper notice, the Commission held a virtual hearing on the Application on October 26, 2020. Greg Van Wie testified on behalf of the Applicant. Caroline Warlick Levins of Beyer Blinder Belle testified as the Project architect. Loren Helgason of Studio 39 testified as the Project's landscape architect. Michael Babcock of Sustainable Building Partners testified as the Project's sustainability consultant. Erwin Andres of Gorove Slade testified as the Applicant's transportation consultant.
41. Commissioner Gail Fast appeared on behalf of ANC 6D and testified in support of the Application. She noted that the Applicant and ANC 6D had been in negotiations for three years, which collaboration had resulted in a Project honoring the history of Southwest, D.C. She applauded these efforts and noted several additional requests from the ANC, as follows:
 - The Applicant commit to renting out N Street row houses at 60% Median Family Income ("MFI");
 - The Applicant reconsider the Kings Mill brick design in order to reduce the impact of the Building's scale on lower-scale rowhouses;
 - A memorialization in the final order of the Applicant's commitment to refrain from displaying neon and digital signage on the Building;

- Regarding the forthcoming voluntary clean-up action: that the Applicant place silt fencing around the site, provide air purifiers to neighbors who request one, and organize meetings between the company performing the clean-up, ANC 6D, community members, and DOEE staff;
 - The Applicant provide a checklist for maintenance and clean-up procedures for the two pet relief areas;
 - The Applicant provide details to ANC 6D regarding tree removal and replacement or new planting of trees;
 - The Applicant provide a detailed construction management plan prior to the start of construction, including a plan for management of truck arrival and departure;
 - The Applicant provide more detail regarding traffic generated by the parking garage; and
 - The Applicant provide appropriate signage for pick-up and drop-off along South Capitol Street and that traffic patterns be clarified and adopted in the final order. (Tr. at 84-90.)
42. Christopher Williams, Rachel Davis, and Coy McKinney testified in opposition to the Project, arguing that the Project fails to provide adequate affordable housing and would exacerbate the effects of gentrification. (Tr. at 118-122; 145-148.)
43. Gregory Keagle, and Dr. Sheila Samaddar testified in opposition to the Project, raising concerns over the rear yard, court, and setback relief requested; exclusion from meetings between the Applicant, SWNA, and ANC 6D; and potential adverse shadowing effects of the Project. (Tr. at 110-117; 151-156.)
44. Ilana Kaplan testified as undeclared, noting that the Project had not provided for any plans for current tenants residing in the adjacent rowhouses and raising concerns over the increased traffic generated by residents accessing the parking garage. (Tr. at 124-127.)
45. At the hearing, the Applicant presented the Project and responded to questions from the Commission, including a discussion of the collaboration between the Applicant and the community.
46. At the conclusion of the hearing, the Commission asked the Applicant to submit a rendering depicting the interior urban courtyard, final clarifications on the TDM Plan conditions, and more information regarding how the Project was not inconsistent with the Comprehensive Plan and the issue of gentrification.

Post-Hearing Submissions

47. On November 23, 2020, the Applicant filed a post-hearing submission with responses to issues raised by the Commission at the October 26, 2020 hearing. In the submission, the Applicant provided the following:
- A Comp Plan Analysis Memo, explaining the Project’s consistency with the Comp Plan and SAP;

- An Impact Analysis Memo of the impacts of the Project on the surrounding area with an examination of gentrification;
- A study by Robert Charles Lesser & Co. (RCLCO) concluding that additional housing was necessary to help address housing supply constraints and to assist in reducing rents, that the Project’s affordable housing worked to counteract displacement and gentrification, and that the Project furthered the Comp Plan and SAP’s concepts of equitable development and inclusivity; and
- Draft Findings of Fact and Conclusions of Law.

(Ex. __.)

48. On November 30, 2020, OP submitted a post-hearing report stating [. . .]. (Ex. __.)

49. On December 16, 2020, ANC 6D submitted a letter stating [. . .]. (Ex. __.)

Issues of Persons in Opposition

Gentrification, Displacement, and Affordable Housing

50. Persons in opposition, including Christopher Williams, Rachel Davis, and Coy McKinney, raised concerns over the effects the Project could have on gentrification and affordability in Southwest, D.C. (Ex. 23; 25; 28; 30; 31; 34; 35; 36; 37; and 39.) In particular, they cited data showing that from 2011-2018, Blacks in the 20024 zip code have declined in population by 8%, whereas whites have increased by 92%. (Ex. 30.) They also cited studies showing that the median family income for white families as of January, 2020 was \$115,530 while only \$37,766 for Black families. (Ex. 35.) They argued that although the Project offers the required affordable housing, the amount is insufficient to combat these disparities and that the Project would create further displacement and inequality. They urged the Commission to reject the Project unless it could provide 1/3 market rate, 1/3 workforce, and 1/3 deeply affordable units. In addition, the persons in opposition stated that the Project was inconsistent with the Comp Plan and SAP’s themes of equity and inclusivity. (Ex. 23; 37; 39.)

51. Both at the hearing and in its post-hearing submission, the Applicant countered these arguments. First, the Applicant noted that the affordable housing proposals advocated by those in opposition to provide 2/3 affordable units is not set forth nor required in the Comp Plan or in the SAP. Second, the Applicant provided a detailed account of how the Project was not inconsistent with the Comp Plan, including the SAP, but rather it furthered the goals and policies of the Comp Plan and SAP, particularly relating to equity and inclusivity. Third, the Applicant provided contrary studies, including a study from the District’s own Chief Financial Officer – *“The Impact of an Increasing Housing Supply on Housing Prices, The Case of the District of Columbia 2000 – 2018”* by Bethel Cole-Smith (Howard) and Daniel Muhammad (Office of Revenue Analysis) dated April 2020 (“CFO Study”) – concluding that increasing housing supply has an effect of reducing rents by increasing supply and that more housing supply would be necessary, in accordance with the Mayor’s 2019 Housing Equity Report, in order to

offset rent increases throughout the City. In addition, the Applicant submitted a report dated November 22, 2020 by RCLCO noting, among other conclusions, that the Project's new affordable housing helps mitigate displacement, that the Project's new housing will not have an adverse effect on home price, rent and land value increases, that the Project will not result in direct displacement, and that the Project will contribute to the District's equitable development and inclusivity goals. (Tr. at 132-138; Ex. ___)

Adverse Impacts on Adjacent Properties

52. Gregory Keagle, and Dr. Sheila Samaddar, persons in opposition to the Application, raised concerns about the adverse impacts the Project would have on their rowhouses adjacent to the Project at 1311 and 1313 South Capitol Street, SW. (Ex. 24A1-24A10; 27; 32; 33.) They argued that the Project would not be adequately set back from their properties and would thus have detrimental shadowing impacts. (*Id.*) These shadows could impede neighboring property owners' ability to use solar panels, grow gardens, and enjoy the benefits of sunlight. They submitted a shadow study and a letter from the architect who created such shadow study relating to these concerns. (Ex. 13, 26.) They also raised concerns that, due to the proximity of the Project, construction could potentially cause damage to existing adjacent structures. Dr. Samaddar also expressed concerns relating to the relationship between an access easement to the rear of her property and the Project. (Ex. 33.)

53. At the hearing, the Applicant explained the limitations of the shadow impacts on the adjacent properties along South Capitol Street, while acknowledging that there would be shadows cast on the adjacent South Capitol rowhouses. (Ex. 40, Tr. at 30-31; 48-51.) The Applicant stated at the hearing that the Project does not require flexibility for the Building's height and density, but rather the height and density are matter-of-right. The adjacent rowhouse properties are permitted to construct to the same matter-of-right height and density. Further, the Applicant stated at the hearing that the separation from the existing rowhouses – over 40 feet to the west and 59 feet to the south along South Capitol Street – is significant and greater than would be typical for a historic preservation project. (Ex. 40, Tr. at 50-51.) These setbacks were provided in accordance with the preservation approach set forth in the SWNA Development Agreement to allow for the existing rowhouses along South Capitol to stand apart from and not be overwhelmed by the new building. The Applicant also provided renderings of the courtyard space separating the Building from the rowhouses in the post-hearing submission, showing the attractive design and space between the Building and the South Capitol rowhouses. (Ex. ____.)

CONCLUSIONS OF LAW

Design Approval

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.01 (2019 Repl.)) authorizes the Commission to undertake review and approval of the Project.

2. Pursuant to Subtitle X, Section 600.1, the purpose of the Design Review process is to:
 - (a) *Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;*
 - (b) *Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;*
 - (c) *Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;*
 - (d) *Promote high-quality, contextual design; and*
 - (e) *Provide for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.*
3. The Commission has jurisdiction to grant Design Review approval for the Project pursuant to Subtitle K, Section 512 and the requested flexibility relief pursuant to Subtitle X, Section 603 of the Zoning Regulations.
4. The Commission makes the following conclusions of law based on the information provided in the record, including testimony provided at the hearing, the Applicant's statements, the OP Report, the DDOT Report, the ANC Report, and the letters submitted from neighboring residents.

Capitol Gateway Design Review Criteria (Subtitle K, §500.1)

Satisfaction of the General Special Exception Criteria (Subtitle X § 604.6)

Subtitle 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.

5. The Commission concludes that the Project satisfies the general special exception criteria of Subtitle X, Chapter 9:
 - (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*
 - (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
 - (c) *Will meet such special conditions as may be specified in this title.*
6. The Commission concludes that the Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because:
 - The CG-2 zone in which the Property is located permits medium-density mixed-use development with a focus on residential use. The CG-2 zone also intends to establish a monumental civic boulevard along South Capitol Street and frame the viewshed of the Capitol.

- Aside from the requested flexibility from the rear yard, court, and South Capitol setback requirements, the Project is matter-of-right in the CG-2 zone. The Project complies with all CG-2 zone development standards, including its 110-foot height, 7.2 FAR, and 69% lot occupancy. The requested rear yard flexibility allows the Applicant to properly configure the Building for the site by providing a setback from the South Capitol rowhouses while still incorporating a significant open area between the Syphax Village structures and an efficient floor plate in between such spaces. The requested court relief will allow for the Building to exist on an unusually shaped lot that will also include retained structures while still providing a large, open space between the Building and the South Capitol rowhouses, thus providing more outdoor amenity space for residents and visitors, particularly when considered cumulatively with the adjacent public alley and other areas open to the sky south of the alley. The South Capitol setback relief also will allow for more outdoor area space through balconies and patios, while simultaneously providing more articulation to the eastern façade of the Building and not adversely affecting the monumental viewshed along South Capitol.
7. The Commission concludes that the Project will not tend to affect adversely the neighboring properties because:
- The Project appropriately fits in with the context of the surrounding buildings. Directly east of the Property is Nationals Ballpark, massive in scale. Directly south of the Property is the Camden South Capitol apartment building, which is of the same matter-of-right 110-foot height as the Building and a similar density. Between the Property and South Capitol Street, within the Property, and to the north and further west of the Property are two-story rowhouses. The Project integrates these varied heights and densities in the neighborhood by designing a building that includes a taller component massed primarily to the south and west of the Property, while also incorporating several existing rowhouses and setting back the primary mass of the building away from existing adjacent rowhouses along South Capitol Street, along with enveloping this building mass largely in masonry to create an entirely compatible façade.
 - The Applicant has engaged in extensive outreach with the community, resulting in multiple agreements with a community organization and neighbors. This community input has resulted in substantive changes to the Project's design. By including the neighborhood in the design and redevelopment of the Property, the Applicant has worked to mitigate potential adverse impacts on the surrounding area.
 - Although two adjacent neighbors raised concerns regarding the shadowing effects of the Project, the Applicant has demonstrated through a shadow study and a detailed description of the intentional design of the building form and related setbacks that the Building's shadowing has been minimized to the extent practicable but is not required to be eliminated and will be most impactful during winter. Indeed, many developments in an urban environment will have some shadowing effect on adjacent properties. The Applicant has worked to reduce these impacts by incorporating significant setbacks both west and south away from the South Capitol Street houses. These setbacks exceed those required in similar building configurations, even in historic preservation contexts. Furthermore, the adjacent South Capitol rowhouses would have the ability to construct

to the same 110-foot height and density in the future as their zoning designation is also CG-2.

- The Applicant will provide a twelve (12) foot wide access easement to the rear of the adjacent rowhouse properties to allow for the vehicular and pedestrian access that such rowhouse uses will require. This easement would enhance the accessibility options available to these adjacent properties beyond that which would exist without the Project. Therefore, the access and operation of these properties will not be harmed but rather improved by the Project.
- While the Project's scale is larger than the immediately adjacent rowhouses, the Applicant has appropriately mitigated impacts on these parcels through: (1) significant setbacks, material selection, coloration, and articulation of the Building to fit within the neighborhood context; (2) community agreements to minimize impacts; and (3) the conditions of the approval. Further, these adjacent properties are also permitted to achieve the same matter-of-right height and density as the Property. Finally, these impacts are outweighed by the overall benefit of the Project's provision of significant housing and affordable housing and its favorable community preservation attributes.

8. The Commission concludes that the Project will meet other conditions as described more fully below.

Satisfaction of the Capitol Gateway Design Review Criteria

9. The Commission concludes that the Application meets the Capitol Gateway Design Review criteria as detailed below.

Subtitle K § 512.3(a) – The Project will help achieve the objectives of the Capitol Gateway defined in Subtitle K § 500.1.

10. The Project will incorporate residential use and potentially commercial uses as well. The high-quality architectural design and landscaping will help to establish South Capitol Street as a monumental civic boulevard, framing the viewshed of the Capitol from the Anacostia River and the viewshed of the Anacostia River looking south along South Capitol Street. The Project will incorporate commemorative elements into the design, including murals and signage among other items, referencing the history of the neighborhood and the structures on the Property. These historical elements will help enhance the streetscape along this important boulevard as it leads from the Anacostia River to the Capitol.

Subtitle K § 512.3(b) – The Project will help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses.

11. The Project will include approximately 310 residential units, including 25 affordable units and potentially ground floor commercial uses. The residential units will range from studios to three-bedrooms and will include townhouse-style units. The surrounding area consists of many commercial uses, including drinking and eating establishments to serve the adjacent Ballpark. The Project will complement these uses

by providing additional housing and potentially a degree of ground floor commercial/retail or neighborhood-serving use.

Subtitle K § 512.3(c) – The Project will be in context with the surrounding neighborhood and street patterns.

12. The Project incorporates a 110-foot building component and retains and incorporates six (6) existing rowhouses, thus uniting the larger scale segments of the surrounding neighborhood, including the Ballpark and the Camden South Capitol building, and the smaller-scale residential structures within the Property itself. The varied mix of building heights and densities in the area and the Property’s location along South Capitol Street as a monumental civic boulevard lend themselves to the Project’s design approach of focusing on a 110-foot masonry building component integrated with rowhouses and townhouses along the street-facing portions of the Property. The Project’s materiality, setbacks, and highly articulated façade allow these varied heights to coexist on and adjacent to the Property.

Subtitle K § 512.3(d) – The Project will minimize conflict between vehicles and pedestrians.

13. The Project proposes no new curb cuts and will close an existing curb cut on South Capitol Street, reducing the areas where pedestrian and vehicular conflict might occur. The Project will also widen and improve the sidewalks around the perimeter of the Property, making them more accessible. In addition, the Building has been designed to chamfer away from the 10-foot wide east/west public alley that intersects with South Capitol Street along with removing the southernmost rowhouse at this location. The resulting area around this alley and Building entrance sequence will allow for maximum visibility for pedestrians and drivers and for both to coexist more safely. This alley segment will also be made one way, from South Capitol Street headed west, to further reduce the instances of vehicle/vehicle and vehicle/pedestrian conflicts.

Subtitle K § 512.3(e) – The Project will minimize unarticulated blank walls adjacent to public spaces through façade articulation.

14. The Building’s façades are differentiated among the various exposed elevations – the east, north and west facades. Special focus was placed on the west or “rear” façade of the Building to ensure that it is highly articulated to a greater degree than the typical design of a rear façade. This façade will incorporate the same masonry and glass materiality and application as the front façade of the building, along with including brick detailing, such as soldier and belt coursing and cornices, drawn from the historic Syphax School building that will create an intentional connection between the Project and the long-existing fabric of the neighborhood.

Subtitle K § 512.3(f) – The Project will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.

15. The Applicant has committed to achieving the LEED v.4 Gold level and certification thereof, in response to encouragement from OP. In addition, the Project will

incorporate a solar panel area of 1,000 square feet. The Project will also remove an existing surface parking lot and renovate and restore several older rowhouses on the Property. The Project will meet or exceed the minimum Green Area Ratio (“GAR”) and incorporate a number of sustainable features, including water use reduction strategies and a green roof.

Subtitle K § 512.6(a) – The Project will incorporate massing materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard.

16. The Project will fill a gaping hole in this important monumental and symbolic streetscape by replacing the existing surface parking lot on the Property with an appropriately scaled and highly articulated development. The Project will include massing, materials, and streetscaping and landscaping supportive of, and additive to, the unique viewshed required for South Capitol Street. The Project’s incorporation of balconies, canopies, and brick patios along South Capitol will enhance the viewshed along this monumental civic boulevard by providing varied articulation and massing.

Subtitle K §512.6(b) – The Project will incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable.

17. The Project utilizes the existing alley on the western side of the Property to facilitate access to, and from, the below-grade parking garage and loading areas. The Building will set back from both South Capitol Street and N Street to provide deference to the Property’s retained rowhouses and the adjacent neighbor rowhouses along those frontages, allowing the Project to appropriately assimilate with the proximate residential portions of the surrounding neighborhood. The South Capitol side of the Building will provide the primary pedestrian access. Landscaping and hardscaping along South Capitol Street will enhance the pedestrian experience for residents of the Property and nearby community and visitors. The N Street frontage will also benefit from additional landscaping and an updated streetscape.

Subtitle K § 512.6(c) – The Project will include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

18. The Application included a viewshed analysis demonstrating how the Project enhances the view corridor along South Capitol Street. The Building more aptly matches the massing of the Ballpark to the east and the Camden South Capitol apartments to the south, helping to frame the perspective of the Capitol itself to the north and the viewshed to the Anacostia River to the south. The Project provides the required 15-foot setback along South Capitol Street, except for a minor degree of elements that project into such space, including balconies, canopies and brick entry porches, which operate to further detail and enhance such viewshed while not adversely affecting it.

Not Inconsistent with the Comprehensive Plan (Subtitle X § 604.5)

19. The Commission concludes that the Application meets the first prong of the general Design Review criteria – to not be inconsistent with the Comp Plan – because the Application does not contradict any provisions of the Comp Plan and in fact furthers several principles and elements of the Comp Plan as detailed below.
20. The FLUM designates the Property as appropriate for Medium Density Residential and Moderate Density Commercial. These designations range from 1.8 to 4.0 FAR for Medium Density Residential and 2.5 to 4.0 FAR for Moderate Density Commercial, with greater density achievable when a project complies with IZ and in other circumstances. The Property’s existing CG-2 zoning complies with such FLUM designations, as the CG-2 Zone is intended for “medium-density mixed-use development with a focus on residential use.” 11-K DCMR §502.1. Additionally, the Commission has already found that the CG-2 zone is consistent with the Comp Plan, including the FLUM, when the Property’s zoning was first adopted. Z.C. Order No. 06-25. The Project complies with the envelope limitations of the CG-2 zone while formulating a building configuration and massing that honors and respects the surrounding neighborhood and rowhouse context. The Project also furthers the CG-2 zone’s purposes by providing a residential development, potentially with a ground floor commercial use, along the monumental South Capitol Street. Accordingly, the Commission finds that the Project is not inconsistent with the Property’s FLUM designations.
21. The GPM designates the Property a Land Use Change Area. These areas represent vacant or underutilized land where the District envisions a change from the land use currently in existence. The Property will replace currently underutilized land occupied by a surface parking lot and vacant rowhouses with additional housing and quality architectural design along an essential District corridor. Accordingly, the Commission finds that the Project is not inconsistent with the GPM.
22. The Project will provide an infill transit-oriented residential development along the important South Capitol Street corridor. The Project furthers a number of policies of the Comp Plan’s Citywide elements as described below:
 - (a) Land Use Element. *Policy LU-1.1.5: Urban Mixed Use Neighborhoods; Policy LU-1.1.7: Central Employment Area Edges; Policy LU-1.3.2: Development Around Metrorail Stations; Policy LU-1.4.1: Infill Development; Policy LU-2.1.1: Variety of Neighborhood Types; Policy LU-2.1.7: Conservation of Row House Neighborhoods; Policy LU-2.1.10: Multi-Family Neighborhoods; Policy LU-2.2.4: Neighborhood Beautification; Policy LU-2.3.3: Buffering Requirements; and Policy LU-2.4.5: Encouraging Nodal Development.* The Project will provide much-needed housing, including affordable housing, in Southwest. The Property is located less than 0.5 mile from the Navy Yard-Ballpark Metrorail Station. The Project will fill in a conspicuous gap along South Capitol Street, allowing for an appropriate transitional piece from the

larger scale Ballpark to the east and Camden South Capitol apartments to the south to the lower-scale rowhouses to the north and west of the Property, while incorporating the rowhouses both on and adjacent to the Property. The Building will both respect and beautify the surrounding neighborhood while buffering the community to the east from South Capitol Street and the Ballpark itself.

- (b) Transportation Element. *Policy T-1.1.2: Land Use Impact Assessment; Policy T-1.1.4: Transit-Oriented Development; Policy T-1.2.3: Discouraging Auto-Oriented Uses; Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning; Policy T-2.3.3: Bicycle Safety; Policy T-2.4.1: Pedestrian Network; Policy T-2.4.2: Pedestrian Safety; Policy T-2.5.1: Creating Multi-Modal Corridor; and Policy T-3.1.1: Transportation Demand Management (TDM) Programs.* The Project provides a transit-oriented development that will improve pedestrian, bicycle, and vehicular safety in the surrounding area. The Project will enhance the sidewalks and related streetscapes along its perimeter, bringing them in compliance where possible with DDOT policy. The Project will also close an existing curb cut and eliminate a surface parking lot, relocating parking underground. The Project will also chamfer the design of its South Capitol Street-fronting component and demolish the Property's southernmost rowhouse to allow for a greater degree of increased visibility at the entrance to the east/west alley intersection with South Capitol Street. This will reduce the number of vehicular/pedestrian and vehicular/vehicular conflict points and thereby enhance pedestrian, bicycle, and vehicular safety.
- (c) Housing Element. *Policy H-1.1.1: Private Sector Support; Policy H-1.1.2: Production Incentives; Policy H-1.1.3: Balanced Growth; Policy H-1.1.4: Mixed Use Development; Policy H-1.2.1: Affordable Housing Production as a Civic Priority; Policy H-1.2.2: Production Targets; Policy H-1.2.3: Mixed Income Housing; Policy H-1.2.7: Density Bonuses for Affordable Housing; Policy H-1.3.1: Housing for Families; Policy H-2.1.1: Protecting Affordable Rental Housing; and Policy H-2.1.3: Avoiding Displacement.* The Project provides approximately 310 new residential units, including approximately 25 affordable units. These units will range in size from studios to 3-bedrooms. Since the Project is built almost entirely on vacant land and the rowhouses currently on the Property are vacant, the Project will not lead to any displacement of current residents and, in fact, will provide additional housing to assist with supply constraints in the District and the area, allowing for a reduction of upward pressure on rents. In fact, the IZ program itself allows for density bonuses for affordable housing at this location and the Project is employing such incentives, as intended by the Comp Plan and the Zoning Regulations themselves. The larger sized, 2- and 3-bedroom units, and the townhouse/rowhouse style units specifically, in the Project allow opportunities for family housing not typically available in a project of this size. The result is a project that balances growth with the production of affordable housing and a mix of unit types, while avoiding displacement.

- (d) Environmental Protection Element. *Policy E-1.1.1: Street Tree Planting and Maintenance; Policy E-1.1.2: Tree Requirements in New Development; Policy E-1.1.3: Landscaping; Policy E-2.2.1: Energy Efficiency; Policy E-2.2.2: Energy Availability; Policy E-2.2.3: Reducing Home Heating and Cooling Costs; Policy E-2.2.4: Alternative Energy Sources; Policy E-2.2.5: Energy Efficient Building and Site Planning; Policy E-3.1.1: Maximizing Permeable Surfaces; Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff; Policy E-3.2.1: Support for Green Building; Policy E-3.4.1: Mitigating Development Impacts; Policy E-3.4.2: Transparency of Environmental Decision-Making; Policy E-3.4.3: Environmental Assessments; Policy E-4.1.3: Evaluating Development Impacts On Air Quality; Policy E-4.1.5: Improving Air Quality Through Transportation Efficiency; Policy E-4.1.6: Clean Fuels; Policy E-4.2.3: Control of Urban Runoff; Policy E-4.2.5: Groundwater Protection; Policy E-4.7.3: Light Pollution; Policy E-4.7.4: Flood Plains; Policy E-5.1.1: Low Impact Development and Green Building Methods for the District; and Policy E-5.1.4: Sustainable Landscaping.* The Project features extensive landscaping and hardscaping, retaining a number of existing trees and planting new trees, both on public and private space. The Project's focus on landscaping brings with it permeable surfaces to assist with stormwater control. The Applicant has also elected to enter into the Voluntary Clean-Up Action process with DOEE and has further committed to involving the ANC and surrounding community in such process to maximize its transparency. The Project will also feature green roofs, including an area for solar panels of approximately 1,000 square feet. The Applicant has committed to achieving LEED v. 4 Gold status and certifying to such level. The Project will also meet or exceed GAR requirements. Further, the Project as designed will control light pollution, as indicated in the Project plans, including a ground level lighting plan, submitted by the Applicant and the Applicant's commitment to refrain from installing digital and neon signage in the Project.
- (e) Economic Development Element. *Policy ED-1.1.2: Economic Linkages; Policy ED-1.1.3: Diversification; Policy ED-2.1.1: Office Growth; Policy ED-2.1.5: Infill and Renovation; Policy ED-2.1.6: Local-Serving Office Space; Policy ED-2.2.1: Expanding the Retail Sector; Policy ED-2.2.3: Neighborhood Shopping; Policy ED-2.2.7: Planning For Retail; Policy ED-2.2.9: Clustered Retail at Transit; and Policy ED-3.1.1: Neighborhood Commercial Vitality.* The Project is an ideal example of infill development, allowing for further evolution of economic development and investment on a site that is currently vacant. In addition, the Project's live/work-designed units and the potential use of the renovated South Capitol Street rowhouses for community-serving commercial use will potentially provide new commercial opportunities close to the Ballpark and along South Capitol Street. The Project's live-work units in particular were designed to potentially include medical office and other neighborhood-serving related uses or similar community-oriented concepts. The result will position the Project favorably to enhance the surrounding

neighborhood's commercial vitality, along with addressing community requests.

- (f) Parks, Recreation and Open Space Element. *Policy PROS-4.3.3: Common Open Space in New Development; Policy PROS-4.3.4: Protection of Open Space in Multi-Family Development; and Policy PROS-4.3.5: Residential Yards.* The Project incorporates open space, including an ample urban courtyard that forms the nucleus of the Project grounds and combines with the adjacent South Capitol alley space and adjacent open space to create a significant area for respite. Such space will be programmed with a mix of landscaping, hardscaping, and pet relief areas in order to be utilized by an array of residents and neighbors. These open spaces along with the balconies, patios, and rooftop provide a unique opportunity to enhance the quality of life for residents and guests and the rowhouse properties along South Capitol Street, in particular. The enhancements of the public space adjacent to the Property will improve the pedestrian experience along the streetscapes of the Project.
- (g) Urban Design Element. *Policy UD-1.1.1: National Image; Policy UD-1.1.4: Height Act of 1910; Policy UD-1.2.4: View Protection; Policy UD-1.4.1: Avenues/Boulevards and Urban Form; Policy UD-1.4.2: City Gateways; Policy UD-1.4.3: Avenue/Boulevard Vistas and View Corridors; Policy UD-1.4.4: Multi-Modal Avenue/Boulevard Design; Policy UD-1.4.5: Priority Avenues/Boulevards; Policy UD-2.1.1: Design Character; Policy UD-2.1.4: Architectural Excellence; Policy UD-2.2.1: Neighborhood Character and Identity; Policy UD-2.2.4: Transitions in Building Intensity; Policy UD-2.2.5: Creating Attractive Facades; Policy UD-2.2.6: Maintaining Facade Lines; Policy UD-2.2.7: Infill Development; Policy UD-2.2.11: Parking Structures; Policy UD-2.2.12: Strip Shopping Centers; Policy UD-3.1.1: Improving Streetscape Design; Policy UD-3.1.2: Management of Sidewalk Space; Policy UD-3.1.13: Signage; Policy UD-3.1.4: Street Lighting; Policy UD-3.2.4: Security Through Streetscape Design; and Policy UD-4.1.2: Design Review.* The Project's placement along South Capitol Street will help to frame the monumental viewshed along South Capitol Street, both north from the Property to the Capitol itself and south from the Property to the Anacostia River, while the building design and configuration will protect this important viewshed. The Project will contribute to a varied streetscape, enhancing the Capitol Gateway and making the area surrounding the Ballpark more attractive. Further, the Project is in accordance with the Height Act of 1910 further indicating the suitability of the proposed Building for this location on South Capitol Street. The Building's façade benefits from a high degree of investment through materiality and articulation, selected to reflect elements of the surrounding neighborhood context and to complement the appearance of the more immediately adjacent rowhouses. In so doing, the Building reflects and incorporates the surrounding neighborhood's character and identity. The result is high-encouraged infill on an unproductive property that is appropriate for its context. The Project further invests in the streetscape around the Property

enhancing the appearance and security along such segments in a manner that befits the Property's iconic location.

23. The Project furthers the themes and principles of the Framework Element. The Project furthers the Element's themes relating to resilience, inclusivity, and equity by increasing the housing and affordable housing supply, designing project areas for potential neighborhood-serving and/or commercial use, including a significant component of family-sized housing, incorporating features of the surrounding neighborhood fabric along with several existing rowhouses themselves, installing commemorative elements relating to the site's history, the selection of specific materiality and coloration to respond to the Property's context, and pursuing an enhanced sustainability approach for the Project, among other considerations. Addressing the District's housing demand in particular is essential as, in accordance with several studies referenced and included in the record relating to such topic, development such as the Project contributes to the reduction in average rents by operation of adding supply. The Project also contributes 25 new affordable units, including family-sized affordable units, to the housing stock available in the Southwest neighborhood. Although the persons in opposition argued that the Project would exacerbate gentrification and displacement, the Commission finds that the Project will help to alleviate those issues, in accordance with the RCLCO report and other filings in the record and testimony. The D.C. Court of Appeals has already concluded similarly – that the provision of affordable housing through the IZ program itself mitigates displacement through gentrification and market pressures. Specifically, in *Cole v. DC Zoning Commission*, the Court found that “mitigation of the potential displacement of low-income residents through gentrification and market pressures is taken into account in the Zoning Commission's IZ regulations. Thus, in directing that the applicant ‘shall,’ ‘[f]or the life of the project,’ as a condition of approval of the PUD, reserve not less than the indicated percentage of the residential gross floor area ‘as inclusionary units pursuant to [the Commission's IZ regulations],’ the Commission did act to mitigate the impact of market-rate residential development on the availability of affordable housing in the area.”¹ The Commission also finds the District's own research efforts on these concepts compelling. The CFO Study concluded that the construction of multifamily units between 2000-2018 had the effect of mitigating rent increases and that in order to mitigate further rent increases, additional housing in accordance with the Mayor's housing target identified in the 2019 Housing Equity Report would be required. The Project does not displace any current residents as it will be constructed on a mostly vacant lot, currently utilized for surface parking and without residents. The Project will also incorporate a solar panel area of approximately 1,000 square feet and achieve LEED v.4 Gold certification, promoting the Plan's resiliency goals. Accordingly, the Commission finds that the Project furthers the Framework Element.
24. The Project is not inconsistent with the Lower Anacostia/Near Southwest Area Element and promotes the following policies: *Policy AW-1.1.1: Conservation of Established Waterfront Neighborhoods*; *Policy AW-1.1.2: New Waterfront Neighborhoods*; *Policy*

¹ *Cole v. DC Zoning Commission*, 210 A.3d 753, 762 (D.C. 2019).

AW-1.1.3: Waterfront Area Commercial Development; Policy AW-1.1.4: Waterfront Development Amenities; Policy AW-1.2.2: Waterfront Cultural and Commemorative Sites; Policy AW-2.2.1: South Capitol Street Urban Boulevard; Policy AW-2.2.3: South Capitol Commemorative and Civic Uses; and Policy AW-2.2.6: South Capitol Neighborhood Buffers. The Project will revitalize underutilized land and provide additional housing in a transit-accessible neighborhood. The Project will allow for a significant investment to occur along the important South Capitol Street urban boulevard as desired by this Element, in a manner that coexists with and complements the surrounding neighborhood fabric and buffers the community to the west of the Property from the Ballpark and its related district to the east. The Project is precisely the type of infill development envisioned to burnish the appearance and importance of the South Capitol Street urban boulevard. In addition, the Project will provide areas along the ground floor that are intended to be utilized for commercial and/or neighborhood-serving retail and similar uses. Further, the Project will improve the public space along South Capitol Street, enhancing the pedestrian experience. The Project will also incorporate commemorative elements, including murals, plaques, and other components, that will celebrate and incorporate the history of the site and the neighborhood in which it is located.

25. The Project also is not inconsistent with the SAP. The persons in opposition argued that the Project failed to further the SAP's principles of equity and inclusivity; however, the Commission finds the opposite. The Property is located in the secondary area of the SAP, where neighborhood conservation, connectivity, and sustainability are the principal focus. The Project is consistent with those goals. The Project promotes the housing goals of the SAP by providing approximately 310 new residential units. Increasing the housing supply will consequently help to address housing demand, thus promoting affordability, as detailed in the CFO Study, among others. The Project provides 25 affordable housing units in accordance with IZ requirements, which will be provided for households at 60% MFI and 50% MFI. As mentioned above, the Court of Appeals has found that the Commission's IZ regulations take into account mitigation of potential displacement and that by requiring the minimum required percentage of affordable units, the Commission adequately mitigates the effects of market-rate development. *Cole v. D.C. Zoning Commission*, 210 A.3d 753, 762 (D.C. 2019). The Project will provide family-sized housing, an unusual unit type for multi-family buildings such as this. The Project also does not create any displacement of existing residents but will bring new residents to the Property by reintroducing active residential use at the Property. Further, the Project has been designed sensitively to incorporate elements of the surrounding neighborhood's character and history, including integrating and restoring existing rowhouses and commemorative components, and includes significant setbacks along South Capitol Street and N Street to pay tribute to those buildings and uses. The significant public space improvements related to the Project will also increase connectivity in the neighborhood. Finally, the Project includes significant sustainability commitments through the commitment to LEED v.4 Gold certification and providing an area of solar panels comprising at least 1,000 square feet. Accordingly, the Commission concludes that the Project is consistent with the SAP's principles of equity and inclusivity.

26. The Project also promotes the Guiding Principles of the SAP,² specifically:
- a. Neighborhood Character: The Project preserves the neighborhood’s varied scale by retaining numerous existing rowhouses and setting the taller portion of the Project back from the rowhouses along N Street and sculpting the building away from the rowhouses along South Capitol Street. The Project also includes an articulated massing and carefully selected materials and coloration, appropriate for new development that complements the character of the existing neighborhood.
 - b. Pedestrian Safety: The Project will enhance the public space around the Property while allowing for unique areas of urban landscaping and greenery, improving pedestrian circulation and general neighborhood conditions.
 - c. Housing: The Project significantly serves the housing goals for the SAP by providing up to approximately 310 new residential units, including approximately 25 affordable units.
 - d. Transportation: The Project furthers transportation goals by removing a surface parking lot and creating a transit-oriented development, along with implementing a robust transportation demand management plan.
 - e. Historic Preservation: The Applicant coordinated the design of the Project with the Historic Preservation Office (“HPO”) and SWNA to design the new construction to respect the older rowhouses that are incorporated into the Project. This coordination with HPO and SWNA resulted in the significant setbacks from the existing rowhouses and a degree of retention and restoration typically reserved for projects subject to the District’s historic preservation laws.
 - f. New Development: The Project replaces surface parking lots with a new, high-quality residential building of a similar height and density to other projects along the South Capitol boulevard, while respecting and incorporating details of the residential neighborhood to the north and west of the Project.
 - g. Sustainability: The Project includes significant sustainability measures, including a commitment to certification at the LEED v.4 Gold level and providing an area of solar panels of at least 1,000 square feet.
27. In addition to furthering the Guiding Principles of the SAP, the Project furthers several specific policies of the SAP. The Project furthers the Model Community Vision and Actions that call for Southwest to be “an exemplary model of equity and inclusion.”³ The Model Community Actions specifically note that District dispositions and Planned Unit Developments are the project types where affordable housing above the IZ

² SAP at 67-68.

³ SAP at 70.

requirements should be required.⁴ The Project is not a Planned Unit Development or a public disposition, and therefore this call for enhanced affordability does not apply. The Project complies with the IZ requirements which further the SAP's goals for additional affordable housing. Additionally, the Applicant is working to concentrate the IZ units in family-sized units.

28. The Project also furthers the goals of the Modernist Gem Actions to work with the community, provide infill development, and improve public space.⁵ The Applicant has been engaged in community outreach for multiple years regarding the Project. The Applicant has been actively engaged with the SWNA and the ANC as well as many immediate neighbors for several years. The Applicant also coordinated, and executed the Good Neighbor Agreement with Syphax Village. The results of this coordination, as detailed in the Applicant's other filings, include the retention of the townhouses along N Street and South Capitol Street, the highly articulated rear façade design elements, the significant setbacks from the rowhouses along N and South Capitol Streets, as well as construction management terms. The Project is an ideal infill development on an underutilized site that is consistent with the community's architectural character. The Project retains and respects the South Capitol streetscape and helps frame this great boulevard.

29. Additionally, the Project furthers the following Modernist Gem Design Guidelines listed in the SAP:
 - a. Principle 1: Encourage a mix of building heights. *Provide a massing and mix of defined building heights which complement and uphold the current mixture of high-rise and low-rise buildings. Particularly on large sites, this mix should include the provision of rowhouses and high-rise buildings, and avoidance of mid-rise building forms.* The Project provides a complementary height and massing along South Capitol Street with the 110-foot-tall building height of the building immediately adjacent to the similarly-sized Camden building to the south, while sculpting the building away from the rowhouses along South Capitol Street and varying the façade with the townhouse-style units and the preserved rowhouses. As stated above, this building form incorporates significant building setbacks from the existing rowhouses along N Street and South Capitol Street.
 - b. Principle 2: Achieve design excellence for high quality and timeless development. *Achieve high quality development and the creation of attractive buildings and landscapes through design excellence by using distinguished architecture, durable high quality materials and detailing, and advanced sustainable design.* The Project is highly designed on all exposed sides and includes high-quality materials, including masonry and significant brick detailing outlined above. The Project's landscaping is also highly designed at the roof, elevated courtyard, and ground levels.

⁴ See SAP Model Community Action 4-6 at 75.

⁵ See SAP Modernist Gem Action 1, 3, 5-7 at 80.

- c. Principle 3: Promote variation in building frontages along streets with continuous massing. *Promote cohesive building forms and design, while incorporating articulation in the building and landscape design. This will ensure a pedestrian-scale of development and lessen the perceived length of high-rise buildings or rowhouse groupings. Blank, unarticulated walls should be avoided, particularly along streets and pedestrian ways.* The Project includes three highly-designed sides, all well-articulated with brick detailing and balconies. The Project's South Capitol and N Street frontages include variation in building form with setbacks from the rowhouses to provide a deferential mass while supplying the density called desired along the South Capitol boulevard.
 - d. Principle 4: Enhance green space through landscaped perimeters and internal green or amenity spaces. *Support Southwest's vibrant green character through the provision of publicly visible landscaped perimeters; internal green or amenity spaces; and landscaped setbacks appropriate to the streetscape, particularly for high-rise structures.* The Project's perimeter will include landscaping and improvements including additional tree plantings. Additionally, the building includes green amenity space on the roof, elevated courtyard, and between the building and the South Capitol rowhouses, providing green space for residents and visitor outdoors.
 - e. Principle 5: Incorporate sustainable building and site design. *Employ a range of innovative sustainable design strategies and building standards to promote a high performing environment that encourages healthy living, energy efficiency, and stormwater management.* The Project is committed to achieving LEED v.4 Gold certification and will include a minimum area of solar panels of 1,000 square feet on the roof.
 - f. Principle 6: Ensure parking is not a detractor. *Locate vehicle parking underground, or in above-grade structures that are visually buffered from the street and adjacent properties. Services such as parking and loading access should avoid the interruption of street-facing building fronts or communal open space.*⁶ The Project removes surface parking, locating all parking below-grade. Additionally, the Project's parking and loading will be accessed from an alley as opposed to directly from a street. Finally, no curb cuts are proposed by the Project and, in fact, the Project is closing a curb cut.
30. The Project also furthers the Green Oasis and Vibrant Connections items of the SAP, which call for transforming South Capitol Street into a great urban boulevard including landscaping, public space improvements, and increasing the tree canopy.⁷ The Project provides residential development along the urban boulevard of South Capitol Street while still preserving and incorporating existing rowhouses on the Property and designing the façade to fit within the neighborhood context. The Project also proposes improvements to the surrounding public space, including significant street trees.

⁶ SAP at 81-83.

⁷ SAP at 91, 116.

31. Therefore, the Project is consistent with the Guiding Principles, Design Guidelines, and policies of the SAP.

Consistency with the Urban Design Criteria (Subtitle X § 604.7)

32. The Commission concludes that the Project is consistent with the urban design criteria pursuant to Subtitle X § 604.7 as described below and in such a way that the Project is superior to a matter-of-right development.

Subtitle X § 604.7 – 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.

33. The Project will activate the street frontages along N Street and South Capitol Street by improving the hardscaping and landscaping and upgrading adjacent streetscapes. The primary entrance to the Building is from the South Capitol Street frontage, although building entrances have also been provided along N Street. The streetscape along South Capitol Street, in particular, will be widened as the result of the setback of the Building’s southern component along such frontage. The parking garage and loading access is provided from the west alley rather than the street. The Building will also be set back from N Street and from and along South Capitol Street, allowing for more open space for pedestrians and improved visibility and safety for pedestrians, bicycles, and vehicles. The Project eliminates an existing curb cut and proposes no new curb cuts. The façades of the Building are designed with a high degree of articulation, incorporating specialty masonry detailing and balconies. The Building’s west or “rear” façade has been designed to appear as though it is street-facing. As such, blank facades are prevented given the Building’s existing surrounding context.

Subtitle X § 604.7(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.

34. The Project includes a landscaped and hardscaped urban plaza and a pet relief area along its South Capitol Street frontage and in the interior of its site. This will provide a unique area for public use and recreation in a location that also allows for additional space around the existing South Capitol rowhouses. The Project also incorporates a number of balconies, patios, and a rooftop area for residents to enjoy.

Subtitle X § 604.7(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.*

35. The Building respects the character of the surrounding neighborhood. In collaboration with the community, the Applicant has incorporated historical references throughout the Project, from murals and signage referencing the neighborhood’s and site’s history to architectural features commemorating the historic Syphax School building, James Creek community, and adjacent rowhouses. In addition, the materiality and coloration of the Building was specifically selected to allude to and complement the surrounding neighborhood context. This design inspiration allows for an infill project that respects and integrates, but does not mimic or overwhelm, adjacent neighborhood character. The Building will help to frame the viewshed of the Capitol, mirroring the scale of the adjacent Ballpark and Camden South Capitol building. As a result, the Project will respect and protect the South Capitol Street monumental vista.

Subtitle X § 604.7(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*

36. The Project includes walk-in units along N Street and South Capitol Street, providing a pedestrian-focused and activated perimeter to the Property. The Building’s façade includes the incorporation of existing rowhouses and additional design detailing along the first and second floors to create a neighborhood-related design more readily associated with a pedestrian oriented environment. The Project will include a significant investment in the public realm surrounding the Property, including enhancements to the streetscape and the inclusion of a second row of trees along South Capitol. The primary glass utilized on the Building’s facades will be have advanced features, reducing reflectiveness and minimizing adverse reflection on the surrounding area. As mentioned above, the façade will incorporate elements reflecting the history of the neighborhood and the site itself.

Subtitle X §604.7(e) – Sites are designed with sustainable landscaping.

37. The Project’s landscaping plan will incorporate a double row of trees along part of South Capitol Street, along with various perennials and other plants creating an urban garden. The landscaping will be planted to minimize maintenance and reduce stormwater runoff. The Project also features a green roof and solar panels.

Subtitle X § 604.7(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.*

38. The Project’s design will enhance pedestrian connectivity within and surrounding the Property. The Building is designed to include entry points along South Capitol Street and N Street, which will allow for heightened integration into the surrounding community through street-level connections. The Project will include over 100 bicycle spaces and improve the sidewalks along the perimeter, thus encouraging pedestrian and bike activity. The Project will include additional and enhanced TDM Plan measures to further incorporate and stimulate the use of transit and bicycle facilities.

“Great Weight” to the Written Report of the ANC

39. The Commission is required to give “great weight” to the issues and concerns of the affected ANC expressed in its written report. (§13(D) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code §1.309.10(d) (2012 Repl.) and Subtitle Z § 406.2.) To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).
40. ANC 6D recommended approval of the Application subject to conditions. The Applicant agreed to all of the ANC’s conditions and most of the ANC’s additional “considerations” as detailed in the Applicant’s presentation; therefore, the Commission concurs with ANC 6D that the Project and related flexibility and relief should be approved.

“Great Weight” to the Recommendation of OP

41. The Commission is required to give great weight to the recommendations of OP. (D.C. Official Code §6-623.04 and Subtitle Z § 405.8.) The Commission gives OP’s recommendation to approve the application great weight, concurs with OP, and concludes that the Applicant has appropriately addressed OP’s conditions.

Accordingly, the Commission has given the requisite great weight to OP's report and recommendation.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for Design Review. This approval is subject to the following conditions, standards, and flexibility:

Project Development

1. The Project shall be built in accordance with the plans and elevations dated July 24, 2020, and marked as Exhibits 3F1-3F5 and supplemented by Exhibits 12A1-12A3 and Exhibit [____] of the record (the "**Final Plans**"), and with the following design flexibility relating to the Final Plans:
 - a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not materially change the exterior configuration or appearance of the building;
 - b. To vary the final selection of the exterior materials within the color ranges of the material types as proposed, based on availability at the time of construction without reducing the quality of the materials;
 - c. To make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, balconies, canopies and trim, such that the refinements do not substantially change the external configuration of appearance of the building;
 - d. To vary the number of residential units and the residential unit types by plus or minus 10%;
 - e. To eliminate up to one level of the parking garage;
 - f. To vary the number of parking spaces by 10% provided that no relief is required;
 - g. To reconfigure the garage layout provided that no relief is required;
 - h. To vary the roof plan as it relates to the green roof areas, solar panels, planters, terraces, pool, equipment, roof structure configuration, and outdoor amenity areas, provided that total GAR is not reduced below that shown on the GAR scorecard and the minimum solar panel square footage is provided;

- i. To vary the signage of the building pursuant to market or tenant demands, subject to D.C. signage regulations;
 - j. To utilize the three (3) ground level units along South Capitol Street, SW designed as “live/work” units for live/work uses or, if suitable commercial and/or neighborhood-serving component uses cannot be found, residential-only uses; and
 - k. To modify the streetscape design and areas in public space in response to DDOT and the public space permitting process.
2. Development of the Project, including maintaining two rowhouses on South Capitol Street, incorporating portions of four existing rowhouses on N Street, and creating three new townhouse-style entrances on South Capitol Street, shall be generally as shown in the plans at Exhibit 12A.
3. Details of the façade at the first two stories of the new component of the Building along South Capitol Street shall be generally as shown on pages 27 and 28 of Exhibit 12A, including canopies, lighting, brick friezes, brick detailing around the windows, and the brick cornice above the second floor.
4. Balcony railings on the Building’s South Capitol, N Street, and rear facades shall use glass as the primary material, as shown in the renderings on page 32 of Exhibit 12A.

Transportation Demand Management Measures

5. **For the life of the Project**, the Applicant shall adhere to the following TDM plan measures:
 - a. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit and charge a minimum rate based on the average market rate within a quarter mile.
 - b. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
 - c. Provide Transportation Coordinators’ contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year.
 - d. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the property’s website and in any internal building newsletters or communications.

- e. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
- f. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com.
- g. Provide residents who wish to carpool with detailed carpooling information and referrals to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future.
- h. Transportation Coordinator will subscribe to goDCgo's residential newsletter.
- i. Post all TDM commitments on the property's website, publicize their availability, and allow the public to see what commitments have been promised.
- j. Provide a free SmarTrip card and a complimentary Capital Bikeshare coupon good for one ride to every new resident for the first three (3) years after the building opens.
- k. Exceed ZR16 short- and long-term bicycle parking requirements. Long-term bicycle spaces will be provided free of charge to residents. 77 long-term bicycle parking spaces and 17 short-term bicycle parking spaces are required by ZR16. The development will provide 110 long term bicycle parking spaces and 17 short-term bicycle parking spaces.
- l. Long-term bicycle storage rooms will accommodate nontraditional-sized bikes including cargo, tandem, and kids bikes.
- m. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.
- n. Install a Transportation Information Center Display (electronic screen) within the lobby containing information related to local transportation alternatives. At a minimum the display should include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles.

- o. Offer an annual CaBi membership or SmarTrip cards pre-loaded with \$85 for all new residents or employees for the first three (3) years after the building opens.
- p. Provide a bicycle repair station in each long-term bicycle parking storage room.
- q. To encourage teleworking, a business center will be provided on-site and available for free to residents 24 hours per day, 7 days per week. Access to a copier and internet services will be included.
- r. Hold a transportation event for residents, employees, and members of the community once per year for a total of three (3) years. Examples include a resident social, walking tour of local transportation options, goDCgo lobby event, transportation fair, WABA Everyday Bicycling seminar, bicycle safety/information class, bicycle repair event, etc.
- s. Fund and install two (2) four-dock Capital Bikeshare expansion plates at a station(s) within ANC 6D in locations to be determined by DDOT at a later date. If DDOT is not ready for the installation or has not chosen a location at the time of Certificate of Occupancy, then the Applicant should instead contribute \$16,000 to the DDOT Transportation Mitigation Fund to upgrade pedestrian, bicycle, or transit facilities in ANC 6D.
- t. Fund and install missing curb ramps and high-visibility crosswalks at the intersections of O Street at Canal Street, SW and Delaware Avenue at Canal Street, SW, subject to DDOT approval.
- u. Forward a copy of the private easement to the DDOT Planning & Sustainability Division, when it is recorded and available.
- v. Provide one (1) collapsible shopping cart (utility cart) for every 50 residential units, for a total of six (6) to encourage residents to walk to the grocery shopping and run errands.
- w. After initial lease-up of 75% of the units in the building, the Applicant will restrict loading activities during game days for the duration of time beginning 1 hour before the start of the game to 1 hour after the end of the game on weekdays.
- x. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order.

ANC Conditions

6. The Applicant shall adhere to the following conditions in response to the ANC Report:
 - a. Comply with the terms of the Good Neighbor Agreement with Syphax Village, the Good Neighbor Agreement with Adjacent Neighbors, the Crane Overswing Agreements, and the SWNA Development Agreement.
 - b. Incorporate the four (4) “vertical rowhouse” homes along N Street and, if permitted by DC agencies, designate these as IZ units.
 - c. Share copies of a Voluntary Clean-up Action and Health & Safety Plan with ANC 6D and the community as a part of participation in the Voluntary Clean-up Program (VCP) and schedule a meeting with the company performing the cleanup, ANC 6D, DOEE, and community prior to beginning clean up.
 - d. Refrain from displaying neon or digital signage on the Property.
 - e. Maintain and manage the Project’s landscaping and pet relief areas in a first-class manner in perpetuity by building management.
 - f. Provide the ANC with a “construction management plan” prior to the start of construction, which will include truck routes.
 - g. Provide at least two (2) commemorative signs or plaques on the N Street and South Capitol Street rowhouses and brick outlines of the two (2) razed rowhouses.
 - h. Provide regular updates to ANC 6D on the status of the project, including changes that occur to (1) the design of the N Street rowhouses; (2) the overall IZ unit mix; and (3) the status of the live/work-designed units.

Sustainability

7. **Prior to the issuance of a certificate of occupancy for the Project**, the Applicant shall provide the Zoning Administrator with evidence that the Project is designed to obtain LEED-Gold certification or higher from the U.S. Green Building Council under the LEED v.4 rating system. Within 12 months after the issuance of such certificate of occupancy, the Applicant shall submit evidence to the Zoning Administrator that it has secured such LEED-Gold certification.
8. **For the life of the Project**, the Applicant shall provide an area of solar panels totaling 1,000 square feet as shown on the Plans.

General

9. This Application approval shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in 11-Z DCMR §702.2. Construction must begin within three years after the effective date of this Order. (11-Z DCMR §702.3.)

10. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On December 17, 2020, upon the motion of _____, as seconded by _____, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting on _____ by a vote of x-x-x.

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on _____.