GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 21-20D
Z.C. Case No. 21-20D
Steuart Investment Company
(Modification Without Hearing for an Approved Design Review
@ Square 662, Lot 16)
May 14, 2026

Pursuant to notice, at its May 14, 2026 public meeting, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Steuart Investment Company ("Applicant") for a Modification Without Hearing to the Design Review approval for the property located at 1 S Street, S.W. (Lot 16 in Square 662) (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

I. FINDINGS OF FACT

PRIOR APPROVALS

1. Pursuant to Z.C. Order No. 21-20, effective April 8, 2022, the Commission approved a Design Review for the development of a mixed-use building with approximately 434 multifamily residential units and ground-floor retail use (the "Project"), constituting Phase 1 of the Applicant's proposed redevelopment of the overall Square.

2. Pursuant to Z.C. Order No. 21-20A, effective December 29, 2023, the Commission approved a Modification of Consequence to the Design Review for revisions to the Project's penthouse and roof configuration, the streetscape and façade design, and the private alley abutting ground floor and vehicle circulation along the north side of the building.

3. Pursuant to Z.C. Order No. 21-20B, effective June 28, 2024, the Commission approved a two-year time extension of the Design Review approval.

4. Pursuant to Z.C. Order No. 21-20C, the Commission approved a second two-year time extension of the Design Review approval, to remain valid until April 8, 2028.[1]

[1] Z.C. Case No. 21-20C was filed and processed concurrently with this Application.

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PARTIES AND NOTICE

5. Advisory Neighborhood Commission ("ANC") 6D is an "affected ANC" and automatically party to the Application. Aside from the affected ANC, there were no other parties to the original proceeding for Z.C. Case No. 21-20.

6. On April 8, 2026, the Applicant served the Application on ANC 6D, as well as the Office of Planning ("OP") and District Department of Transportation ("DDOT"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2A).

II. THE APPLICATION

7. On April 8, 2026, the Applicant filed the Application requesting a Modification Without Hearing to make revisions to the Project as follows:
   - Reduce the scope of the Phase 1 development such that the initial construction consists of approximately 335 residential units and 196 parking spaces[2], with the western portion of the original Phase 1 building developed as part of the later phases of the overall multiphase development of the Square;
   - Replace the retail space previously proposed for the ground-floor space along the eastern portion of the Project with additional residential units that will include individual unit entrances along the Property's South Capitol Street frontage;
   - Reconfigure the Phase 1 penthouse, including the addition of approximately three residential units, including updating the penthouse setback relief previously approved for the north interim condition in Z.C. Order No. 21-20 to incorporate the interim condition of the west penthouse wall of the revised Phase 1 building; and
   - Adjust the design along the private alley on the north side of the building in coordination with the rephasing (Ex. 2A, 2E and 2F).

8. The Applicant asserted that the proposed reduction in the scope of the Phase 1 development is needed due to the current market conditions for financing for large multifamily developments such as the Project and the necessity of right-sizing the overall size of the initial phase to meet the challenges of the current financing market. The Applicant further stated that replacement of the previously proposed ground-floor retail space in the eastern footprint of the Phase 1 structure with additional residential units is also necessary to enable the Applicant to obtain financing to move the Project forward and to better activate the adjacent South Capitol Street right of way and surrounding public realm immediately upon completion of the Project. Due to the Project's location along a unique portion of the South Capitol Street right of way, south of the traffic Oval and isolated from existing surrounding development, the retail space previously proposed for this location would be extremely challenged and would not sufficiently activate the surrounding pedestrian environment. Replacement of such retail space with the new proposed street-facing units is, therefore, necessary to ensure activation of this space (Ex. 2A).

[2] The modification request will reduce the number of residential units from 434 and the number of parking spaces from 264.

9. On April 28, 2026, the Applicant filed a supplemental submission with additional diagrams and elevations requested by OP including additional views of the proposed ground-floor, street-facing residential units located on the eastern portion of the Phase 1 building facing the South Capitol Street right of way (Ex. 4, 4A).

III. RESPONSES TO THE APPLICATION

10. DDOT submitted a report on May 1, 2026, stating that DDOT has no objection to the Application (Ex. 5).

11. OP submitted a report on May 4, 2026 ("OP Report") recommending approval of the Application with the condition that temporary murals be installed on the interim western facade of the building, consistent with the temporary mural concepts approved in the original Design Review approval for the north interim facades. OP concluded that the design modification could appropriately be considered as a Modification Without Hearing and that the changes proposed were generally consistent with the intent of the original approval and should not have detrimental impacts to the design of the building (Ex. 6).

12. ANC 6D did not submit a written report commenting on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications without a public hearing to approved contested case final orders and plans approved by such orders.

2. Subtitle Z § 703.6 defines a "Modification Without Hearing" as "a modification in which impact may be understood without witness testimony."

3. Subtitle Z § 703.6 includes "a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission" as an example of a Modification Without Hearing.

4. The Commission concludes that the Application qualifies as a Modification Without Hearing within the meaning of Subtitle Z § 703.6, as a modification of the approved plans that may be understood without witness testimony, and therefore the modification can be granted without a public hearing pursuant to Subtitle Z § 703.1.

5. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.10 to serve the Application on all parties to the original proceeding, in this case ANC 6D; and OP, at the same time the Application was filed with the Office of Zoning.

6. The Commission concludes that all parties were allowed 30 days after the Application was filed and served on April 8, 2026, to file responses to the Application in accordance with Subtitle Z § 703.12; and the Application was filed at least thirty-five days (35) days prior

to the public meeting at which the Application was considered by the Commission, in accordance with Subtitle Z § 703.13. The Application was filed on April 8, 2026 and considered May 14, 2026.

7. The Commission finds that the Application is consistent with the overall design intent of the Design Review as previously approved because the modifications and the changes will better enable to the Applicant to obtain construction financing to move the Phase 1 Project forward and will better activate the area abutting the east side of the Property within the South Capitol Street right of way.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

8. The Commission is required to give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.9) (Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016)).

9. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment and also agrees with OP's recommendation to incorporate a condition providing for a temporary mural on the interim west façade of the building, consistent with the temporary mural concepts previously approved for the north facade.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

10. The Commission must give "great weight" to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 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 the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016)). 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) (citation omitted)").

11. ANC 6D did not submit a written report to which the Commission can give great weight.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a Modification Without Hearing, subject to the following:

A. Condition 1 of Z.C. Order 21-20 is hereby revised to read as follows (additions are shown **bold/underlined** and deletions in ~~**bold/strikethrough**~~):

Project Development

1. The Project shall be built in accordance with the plans and elevations dated November 12, 2021 (Ex. 3F1-3F3), as updated by the plans dated January 4, 2022 (Ex. 11A1-11A3) as updated in Exhibit 26A, 30A, and 30B of the record for Z.C. Case No. 21-20, as modified by the plans dated May 4, 2023 and marked as Exhibits 2C1-2C4 of the record for Z.C. Case No. 21-20A, as further modified by the plans dated July 17, 2023 and marked as Exhibit 5A of the record for Z.C. Case No. 21-20A**, as further modified by the plans dated April 24, 2026 and marked as Exhibit 4A1 and 4A2 of the record for Z.C. Case No. 21-20D** (collectively, the "Final Plans"), and with requested zoning flexibility, subject to the following areas of flexibility:
   […]

All other conditions of Z.C. Order No. 21-20, as modified by Z. C. Orders No. 21-20A–21-20C, shall remain unchanged and in effect.

B. This Modification Without Hearing is subject to the following two conditions:
   1. The flexibility from penthouse setback requirements approved in Z.C. Order No. 21-20 for the interim condition of the north building wall is extended to the interim condition of the west wall of the revised Phase 1 building.
   2. In the interim period between construction of the Project and the development of Phase 2, which will connect with the Project, the Applicant shall provide painted murals on the majority of the interim open façade on the west wall of the Phase 1 building, consistent with the temporary mural concepts depicted in Exhibit 30A of Z.C. Case No. 21-20.

FINAL ACTION
VOTE (May 14, 2026): 5-0-0 (Joseph S. Imamura, Robert E. Miller, Anthony J. Hood, Tammy Stidham, and Gwen Wright to approve.)

In accordance with the provisions of Subtitle Z, Section 604.9, this Order No. 21-20D shall become final and effective upon publication in the *District of Columbia Register*; that is, on October 9, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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.