

**APPLICATION OF BD PARCEL 5 LLC
FOR REVIEW OF BUILDINGS AND STRUCTURES IN THE NHR ZONE**



LOT 1070 IN SQUARE 5860

DEVELOPMENT TEAM

Applicant

BD Parcel 5 LLC
1275 New Jersey Avenue, SE
Suite 601
Washington, DC 20003

Architect

Hartshorne Plunkard Architecture, LLC
315 W. Walton Street
Chicago, IL 60610

Landscape Architect

Future Green Studio
18 Bay Street
Brooklyn, NY 11231

Transportation Consultant

Gorove Slade Associates Inc.
1140 Connecticut Avenue, NW #1010
Washington, DC 20036

Sustainability Consultant

Sustainable Building Partners
2701 Prosperity Avenue, Suite 100
Fairfax, VA 22031

Civil Engineer

Wiles Mensch
510 8th Street, SE
Washington, DC 20003

Land Use Counsel

Goulston & Storrs PLC
1999 K Street, NW, 5th Floor
Washington, DC 20006

EXHIBITS

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I. Introduction / Overview

This application is submitted on behalf of BD Parcel 5 LLC (the “**Applicant**”) for Zoning Commission review and approval of new construction at 633 Howard Road, SE. The property is comprised of Lot 1070 in Square 5861, as detailed in the Plat attached as Exhibit A (the “**Property**”). The Property, one of two Assessment and Taxation (“**A&T**”) lots located within Record Lot 99,¹ contains approximately 33,326 square feet of land area and is located in the Northern Howard Road (“**NHR**”) Zone District.

The Property is currently unimproved. The Applicant intends to build a mixed-use building (the “**Parcel 5 Building**” or “**Building**”) containing approximately 299 residential dwelling units and approximately 8,476 square feet of gross floor area (“**GFA**”) devoted to ground floor retail use² ³ (the “**Project**”). The Project will have an overall floor area ratio (“**FAR**”) of approximately 7.21. The Project will be built to a maximum height of 130 feet, plus a 20-foot penthouse containing mechanical and habitable space. The Project will include approximately 160 parking spaces as well as residential and commercial loading, accessed from a private driveway off of Howard Road, SE.

The Property is located in Ward 8 along Howard Road, SE between South Capitol Street, SE and I-295, immediately south of Anacostia Park (the “**Park**”), and approximately 0.3 miles from the Anacostia Metrorail Station. The Property is designated for Mixed Use (High Density Residential/High Density Commercial/Institutional) uses on the Future Land Use Map of the District of Columbia Comprehensive Plan (“**FLUM**”) and is located within a Land Use Change Area and a Resilience Focus Area on the Generalized Policy Map of the Comprehensive Plan (“**GPM**”).

The Project represents the third phase that the Applicant has applied for in the multi-building Bridge District development, which is located on Howard Road, SE just south of the new Frederick Douglass Memorial Bridge (the “**Bridge**”). The Bridge District is conveniently located adjacent to the Anacostia Metrorail Station on the Green Line, adjacent to Anacostia Park and Poplar Point, and approximately 0.25 miles from the Anacostia River. The Project’s development follows Bridge District Phase 1 (approved in Z.C. Case No. 21-13), which is in the final stages of construction and in which initial occupancy has begun immediately west of the Property. The Project is directly across Howard Road from another significant mixed-use project on Parcels 1 and 2 of the Bridge District, which is also being undertaken by the Applicant. The development on Parcels 1 and 2 was approved in Z.C. Case No. 22-39 and is currently in the pre-development phase.

¹ Record Lot 99 also contains A&T Lot 1071, which is separately owned and will be redeveloped with a separate building at a later date, after a separate Design Review application process by the Zoning Commission.

² 9,211 GFA when including prorated amount of loading

³ For purposes of this statement, all references to “retail” use are intended to include uses falling within the following use categories: Retail (11-B DCMR § 200.2(bb)); Services, General (11-B DCMR § 200.2(cc)); (Services, Financial (11-B DCMR § 200.2(dd)); Eating and Drinking Establishments (11- B DCMR § 200.2(i)); Animal Sales, Care, and Boarding (11-B DCMR § 200.2(c)); Daytime Care (11-B DCMR § 200.2(h)); Entertainment, Assembly, and Performing Arts (11-B DCMR § 200.2(m)); Medical Care (11-B DCMR § 200.2(o)); Education, Private (11-B DCMR § 200.2(k)); Education, Public (11-B DCMR § 200.2(l)); and Arts, Design, and Creation (11-B DCMR § 200.2(e)).

II. Jurisdiction of the Zoning Commission

The Zoning Commission has jurisdiction to grant approval of the proposed development pursuant to Subtitle K, Section 1005 and Subtitle X, Section 603 of the Zoning Regulations.

III. Coordination with the Community

The Applicant has been working with the community for many years, including Advisory Neighborhood Commission (“ANC”) 8A, where the Property is located, as well as ANC 8C, which borders the southern edge of the Bridge District⁴. The Applicant continues to coordinate directly with the ANCs and broader neighborhood on ways to support the community, including through training and apprenticeship programs, reduced rent for local retailers, and funding for community non-profits. The Applicant has had multiple meetings with key community stakeholders regarding the Project and presented the Project to ANC 8A on March 11, 2025, which voted to support it.

IV. Description of Property

The Property contains approximately 33,326 square feet of land area and is located on the north side of Howard Road, SE, with Parcel 4 and Parcel 6 of the Bridge District to the west and east, respectively. The Anacostia Metrorail Station is located just east of the Property, and historic Anacostia is located approximately 0.4 miles to the east, on the opposite side of the I-295 freeway. The Property is currently vacant. The Property and overall Bridge District are located just across the Anacostia River from the Capitol Riverfront, The Yards, and Buzzard Point, and just minutes from Downtown DC. Photographs of the Property and surrounding properties are included in the architectural plans and drawings attached as Exhibit B (the “**Plans**”).

V. Description of Project

a. Overall Project

The Project consists of a mixed-use residential building with ground floor retail use. The design of the Project emphasizes the pedestrian experience, with a focus on an enhanced public realm and ground floor retail experience. The Project will continue to implement the public space improvements and surrounding community improvements that are an important part of the Bridge District development. The Project will complement Bridge District Phase 1 and the buildings approved on Parcels 1 and 2, while also bringing its own energy, amenities, and architectural expression to the neighborhood. The Project will advance the area’s potential to provide much needed housing, affordable housing, and retail or service amenities to all District residents, and in particular to residents east of the Anacostia River.

Overall, the Parcel 5 Building will contain approximately 240,427 GFA, of which approximately 8,476 GFA will be devoted to ground floor retail use. This equates to an overall density of approximately 7.21 FAR, of which approximately 0.28 FAR will be devoted to non-

⁴ The Applicant worked with both ANC 8A and 8C during a previous Planned Unit Development (“PUD”) application for the area including the Property, as well as on a text amendment to create the NHR Zone, a map amendment to rezone the Property and other nearby property to the NHR zone, and a recent map amendment for property immediately adjacent to the Anacostia Metrorail station to the NHR zone.

residential use.⁵ The building will be constructed to a maximum height of 130 feet, plus a 20-foot penthouse. The Parcel 5 Building will contain approximately 299 residential units, approximately 160 vehicle parking spaces, and approximately 101 and 18 long-term and short-term bicycle parking spaces, respectively. Detailed zoning tabulations for the Project are included on Sheets A1.02 – A1.04 of the Plans.

The Project’s residential component is comprised of a variety of unit types ranging from studios to three-bedroom units. As required under the NHR zone, twelve percent (12%) of the Project’s residential GFA will be set aside as IZ units for households earning no more than 50% and 60% MFI. Additionally, eight percent (8%) of the Project’s penthouse habitable space that is devoted to dwelling units will be set aside for IZ units for households earning no more than 50% MFI. Impressively, half of all IZ GFA will be devoted to three-bedroom units, comprising all 50% MFI units and another 33% of 60% MFI units. Indeed, every three-bedroom unit in the Project is an IZ unit. As shown on Sheet A1.06 of the Plans, the Parcel 5 Building will provide a minimum of approximately 27,948 GFA of affordable housing across approximately 31 IZ units, of which approximately 50% of the square footage will be devoted to three-bedroom units.

b. General Design Intent

The Parcel 5 Building is designed to complement the adjacent Bridge District Phase 1 while bringing its own energy, amenities, and architectural principles to the Bridge District. Through high-quality materials, including those that are used in other Bridge District buildings, the Building will expand upon the Bridge District’s varied architectural identity while seamlessly being integrated at the street level and public spaces. The Project’s design creates public and private spaces that facilitate connectivity and human interaction, both indoors and outdoors.

The Project greatly improves the pedestrian experience along Howard Road through the expansion and enhancement of sidewalks, installation of landscaping and hardscaping, and inclusion of street activating ground floor retail. The lobby is situated on the west side of the Parcel 5 Building, which allows the entire length of the ground floor along Howard Road to be devoted to retail use. A green courtyard between Bridge District Phase 1 and the Parcel 5 Building will be activated by retail and associated retail outdoor dining areas along both its western edge and its southeast corner, residential amenity space and associated residential garden patio areas along its eastern edge, and a publicly accessible pedestrian walkway that runs north-south through its center. This pedestrian walkway will connect Howard Road with the promenade that runs along the northern edge of the Bridge District (and along adjacent Poplar Point park land). To minimize curb cuts and promote a pedestrian and bike-friendly experience, loading access to the Parcel 5 Building will be provided on the east side of the building via a single curb cut that will be shared with the future building on Parcel 6, and vehicular access to the Parcel 5 Building garage will be provided through the garage of Bridge District Phase 1.

The Project’s emphasis on sustainability is evidenced via LEED v4.0 Gold certification. In accordance with the solar energy requirement of the NHR zone, the Project will include rooftop solar panels that will meet or exceed the NHR zone’s annual energy generation requirement. The Applicant’s focus on sustainability and wellness is also evidenced through the Project’s inclusion

⁵ Includes prorated amount of loading.

of significant bicycle infrastructure to support bicycle usage and circulation. The Project will provide a minimum of eighteen (18) short-term bike parking spaces and approximately 101 long-term spaces. These facilities open the Project to the growing population of bicyclists in the District and encourage sustainable modes of travel. The sizeable long-term bicycle storage room is conveniently located on the east side of the ground floor, immediately accessible from the new pedestrian/bicycle promenade/trail that will connect the Bridge District to the Frederick Douglass Bridge and Downtown, and to historic Anacostia.

The larger Bridge District development places an overarching focus on public space and surrounding community improvements. This inclusive approach aims to improve the health and wellbeing of Bridge District residents and the local community. The Project, along with the other phases of the Bridge District development, will help create a thriving, high-density neighborhood with a mix of housing, including substantial affordable housing, and community-serving retail, service, entertainment, and office uses that will support overall District planning goals and the economic vitality and revitalization of neighborhoods east of the Anacostia River.

c. Building Design

The Parcel 5 Building contains approximately 240,427 GFA, of which approximately 8,476 GFA is devoted to ground floor retail use. The building has a maximum height of 130 feet, plus a 20-foot penthouse, and contains two-levels of below grade parking with approximately 160 vehicle parking spaces. The ground-level contains a residential lobby, retail, resident amenity space, long-term bicycle parking, and loading facilities. The upper floors of the building are configured in a “U” shape that define a large open court that faces Poplar Point to the north. Floors 2–12 contain residential units. Corner units around the exterior perimeter of the building are outfitted with balconies that face Howard Road or Poplar Point. The penthouse level will contain a modest number of dwelling units, a large resident amenity space, mechanical equipment, and a significant amenity deck with pool. Overall, the proposed building will contain approximately 299 units.

The exterior of the Project is composed of a mix of masonry, metal panel, and glass that together create a modern residential character. In contrast to the sculpted massing and articulated facades of the neighboring Bridge District Phase 1 development, and that of the buildings approved Parcels 1 and 2, the Parcel 5 Building has a characteristic simple massing, and achieves architectural richness through the texture provided by its varied combination of materials. At the street level, the ground floor is clad in wood-toned material, which frames expansive storefront glazing along Howard Road. This treatment creates a vibrant and transparent pedestrian experience, strengthening the visual and functional connection between the retail uses and the adjacent public realm. Above the first floor, the east, south, and west facades feature a strong gridded pattern defined by alternating bands of light-toned masonry or metal and dark metal panels. The vertical grid is emphasized through continuous light-colored vertical pilasters that rise from the second floor to the parapet, reinforcing the building’s height and rhythm without overwhelming the surrounding environment or any adjacent space. Horizontal elements are articulated with an alternating material pattern—typically two dark metal bands to one lighter band—adding texture and depth across the façade. The north elevation adopts a more modern, glass-forward language from levels 2 through 12, maximizing views toward Poplar Point and the

Anacostia River while contrasting with the more structured façades elsewhere on the building.

d. Landscape Design

The Project's landscape design entails a ground level green courtyard between Bridge District Phase 1 and the Parcel 5 Building. This green courtyard will be activated by retail and associated outdoor dining areas along both its western edge and its southeast corner, residential amenity space and associated residential garden patio areas along its eastern edge, and a pedestrian walkway that runs north-south through its center. This pedestrian walkway will connect Howard Road with the promenade that runs along the northern edge of the Bridge District. At the second floor, a large, planted court will provide bioretention to achieve the NHR zone's heightened stormwater management requirements. The courtyard is defined by a landscaped area surrounded by private terraces belonging to the adjacent dwelling units. At the penthouse level, a variety of outdoor amenity spaces will be provided outside an indoor amenity space. Along the south side of the amenity space, a paved amenity deck will overlook Howard Road and the Bridge District. The northwest side of the roof will contain additional outdoor seating areas and a pool. The seating areas will be improved with a mix of seating that provide opportunities for small and large gatherings, dining, and passive recreation.

e. Public Realm Design

As part of the Project, the adjacent public space along Howard Road will be reconstructed. The design of the streetscape will be consistent with DDOT standards and will match the design that has been constructed at the neighboring Bridge District Phase 1. The sidewalk along Howard Road will provide a minimum eight (8)-foot clear pedestrian pathway. Finally, along the curb, regularly spaced tree boxes will be constructed that are separated by permeable paved areas. Bike racks, lighting, and other streetscape furnishing will be provided in accordance with DDOT standards.

VI. Evaluation of NHR Zone Design Review Criteria

Pursuant to Subtitle K, Section 1005 of the Zoning Regulations, the Applicant must demonstrate that the application satisfies the requirements of the NHR Zone (11-K DCMR § 1005.2) and must also satisfy the design review requirements set forth in Subtitle X, Section 604. The Project satisfies all applicable requirements as follows:

Help achieve the objectives of the NHR Zone defined in Subtitle K, § 1000.1 (11-K DCMR § 1005.2(a))

The proposed Project will substantially advance the stated purposes of the NHR zone, which include:

- Assuring development of the area with a mixture of residential and commercial uses at a suitable height, bulk, and design;
- Encouraging a variety of visitor-related uses (retail, service, and entertainment);

- Providing for increased height and density associated with increased housing;
- Encouraging superior architecture and design in all buildings and publicly accessible outdoor spaces;
- Requiring preferred ground-level retail and service uses along Howard Road, SE;
- Providing for development of Howard Road, SE as a pedestrian- and bicycle-friendly street, with street-activating uses, and connections to Metrorail and the broader neighborhood; and
- Encouraging the inclusion of a bicycle track along Howard Road.

The Project will contain approximately 299 new residential units and approximately 8,476 GFA of ground floor retail use. The ground-floor retail use will encourage visitors to the Project, which is centrally located within the Bridge District, just west of the Anacostia Metrorail station and adjacent to the new pedestrian / bicycle promenade that the Applicant is constructing along the northern edge of the Bridge District (which connects to the Anacostia Park trail network and the new South Capitol Street Bridge). The Project provides a variety of unit types, ranging from studios to three-bedroom units, and will offer a significant amount of affordable housing, with approximately 7,138 GFA set aside for households earning no more than 50% MFI, all of which will be devoted to three-bedroom units. In addition, the Project will provide approximately 20,809 GFA set aside for households earning no more than 60% MFI, of which 33% will be devoted to three-bedroom units.

The height and density of the Project are appropriate for the area, and, as discussed in the Comprehensive Plan evaluation below, are not inconsistent with the Property's FLUM designation of Mixed Use (High Density Residential/High Density Commercial). Additionally, the Project's height and density are within the matter-of-right parameters of the NHR zone. The Project is yet another example of the Applicant's commitment to high-quality, sustainable, superior architecture. The ground floor and penthouse levels will be clad in a wood-toned material. Above the first level, the east, west, and south sides of the building will be clad in a mix of light-colored masonry / metal and dark-colored metal panel materials, while the north façade of the building will comprise a window wall system that will maximize views toward Poplar Point and the Anacostia River. Along Howard Road, the ground floor or the building will be activated by highly visible retail and service uses that will elevate the pedestrian experience and safety. In response to feedback received from the Office of Planning, the Applicant added balconies along the Howard Road frontage to enhance the indoor/outdoor relationship and provide further activation and safety through "eyes on the street," while larger terraces at the ground and penthouse levels will be available to all building residents. Substantial improvements to publicly accessible spaces on and adjacent to the Property will further increase pedestrian comfort and safety, and strengthen connections to nearby Metrorail and the broader neighborhood. Finally, the Project will extend the pedestrian / bicycle promenade that the Applicant is providing along the northern edge of the Bridge District, which will connect to Anacostia Park, the Anacostia Metro station, and Downtown DC.

Help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, or service uses. (11-K DCMR § 1005.2(b))

The Project will provide an appropriate mix of residential and retail and service uses that will help activate the Bridge District, an area that has been long underutilized, substantially assist in achieving District housing goals, and bring new, quality retail and service uses to an area of the city where such uses have been lacking.

The Project will contain approximately 299 new residential units with a total residential GFA of approximately 231,216 square feet, of which approximately 7,138 GFA (3.1%), will be devoted to households earning no more than 50% MFI and approximately 20,809 GFA (8.9%) will be devoted to households earning no more than 60% MFI. This substantial amount of housing, both market-rate and affordable, will help address the District's overall and affordable housing goals. Indeed, the amount of housing proposed by the Project represents approximately 3.8% of the overall housing production goal, and approximately 3.6% of the affordable housing production goal set forth in the Mayor's 2019 Housing Equity Report for the Lower Anacostia Waterfront & Near Southwest Planning Area.

The Project will provide approximately 8,476 GFA of ground-floor retail use, which will complement the over 40,000 GFA of retail and service space within the neighboring Bridge District Phase 1 project, and approximately 24,000 GFA of retail and service space that is approved for Parcels 1 and 2. These ground floor commercial uses will support the new residential community within the Bridge District, and expand the neighborhood-serving retail and service uses that are available to substantially underserved neighborhoods located east of the Anacostia River.

Provide streetscape connections for future development on adjacent lots and parcels and be in context with an urban street grid. (11-K DCMR § 1005.2(c))

The Project's streetscape complements the streetscape of the adjacent Bridge District Phase 1 development and the Bridge District as a whole. The streetscape surrounding the Project will be coordinated with DDOT to ensure seamless connectivity with existing and future planned pedestrian and bicycle connections to the east toward Parcel 6 and historic Anacostia, and with existing connections to the east that have recently been improved / established as part of the adjacent Bridge District Phase 1 development and Frederick Douglass Bridge construction. As part of the Project, the public streetscape adjacent to the Property along Howard Road will be reconstructed to meet or exceed DDOT standards. As shown in the Plans, the streetscape along Howard Road will provide a minimum eight (8)-foot sidewalk width to ensure safe and comfortable pedestrian circulation. Additionally, the planting zone will include new streetlights, trash receptacles, bike racks, tree boxes, and permeable pavers.

Minimize conflict between vehicles, bicycles, and pedestrians. (11-K DCMR § 1002.5(d))

The Project will minimize conflicts between vehicles, bicycles, and pedestrians in multiple ways. First, as noted above, Parcels 5 and 6 will share a single access point for parking and loading, which helps minimize curb cuts along Howard Road. As shown on Sheet A0.05 of the Plans, vehicular and loading circulation have been efficiently designed to occur entirely onsite, with

head-in and head-out access from the single curb cut. In addition, the Applicant consolidated the parking access to the Parcel 5 Building with the parking access to the Bridge District Phase 1 development to reduce pedestrian / vehicular conflict points along Howard Road. Because of this, the entire sidewalk along Howard Road in front of the Project is unbroken, which will ensure a safe and pleasing pedestrian environment. Additionally, substantial bike parking, both long- and short-term, will be located at grade for easy access. In accordance with the Zoning Regulations, short-term bicycle parking will be located along Howard Road, in proximity to the entrance to the building. A portion of the long-term bicycle parking will be conveniently located in an at-grade storage room at the rear of the building, which will allow easy access to the new multi-use trail along the north side of the building, away from vehicular traffic, which will connect to the existing and planned bicycle lanes in and around the Bridge District.

Minimize unarticulated blank walls adjacent to public spaces through facade articulation. (11-K DCMR § 1005.2(e))

Given the Project's high visibility on all sides, each façade has been designed with the care and articulation typically reserved for primary frontages. At the ground level, a warm, wood-toned cladding establishes a distinct base and frames large storefront glazing along Howard Road, fostering an active, transparent street edge and a seamless visual connection between the retail interior and public realm. The same cladding reappears at the penthouse, creating a cohesive material expression from top to bottom.

Above the first floor, the east, south, and west façades feature a rigorously gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The vertical grid is emphasized through continuous light-colored vertical pilasters that rise from the second floor to the parapet, reinforcing the building's height and rhythm without overwhelming the surrounding environment or any adjacent space. Horizontal elements are articulated with an alternating material pattern—typically two dark metal bands to one lighter band—adding texture and depth across the façade. The north elevation adopts a more modern, glass-forward language from levels 2 through 12, maximizing views toward Poplar Point and the Anacostia River while contrasting with the more structured façades elsewhere. Throughout the building, corner balconies oriented toward Howard Road and Poplar Point introduce additional articulation and capitalize on key view corridors.

Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards. (11-K DCMR § 1005.2(f))

As shown on the LEED scorecard on Sheet A8.01, the Project has been designed to achieve a minimum LEED v4.0 Gold certification standards for New Construction. Some of the key “green” features include complete electrification for the residential program of the building, rooftop solar panels that will meet or exceed the NHR zone’s annual energy generation requirement, energy efficient building enclosures and mechanical systems, and onsite stormwater collection.

Of note, pursuant to Subtitle K § 1008.1, each building constructed or substantially improved in the NHR zone is required to earn certification at the LEED v4.1 for New Construction Gold level. Unfortunately, in June 2023, during the LEED certification process for the Bridge

District Phase 1 development, the Applicant was informed by the U.S. Green Building Council (“USGBC”) that LEED v4.1 for New Construction – Multifamily currently can only be used for project outside of the United States. Instead of LEED v4.1, the USGBC advised the Applicant that it would need to utilize LEED v4.0 and for the Bridge District Phase 1 development and may pursue v4.1 prerequisites and credits using credit substitution. This is exactly what the Applicant did for the Bridge District Phase 1 development, which is nearing completion and initial occupancy. While the Bridge District Phase 1 LEED baseline is LEED v4.0, the Applicant utilized credit substitution to achieve LEED v4.1 prerequisites and credits in nearly every category that is available. This approach was confirmed to be satisfactory by Zoning Administrator for purposes of meeting the NHR zone LEED requirement.

Promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses. (11-K DCMR § 1005.2(g))

As described above, the Project is designed to activate Howard Road with consistent streetscape design and active ground floor uses that encourage pedestrian traffic. In compliance with NHR zone designated street standards, the ground floor of the proposed building is designed with a minimum clear height of fourteen (14) feet (for a minimum continuous depth of 34 feet), and at least 50% of the ground floor façade will have a high-visibility glass storefront where a future ground-floor entrance can be installed no more than an average distance of 40 feet apart without structural changes. Further, 100% of the frontage along Howard Road will be devoted to the preferred uses enumerated in the NHR designated street standards. Finally, the single curb cut at the eastern end of the Property is for loading only. The vehicular parking entrance will be through the Bridge District Phase 1 garage. This approach will enhance safety and prioritize safe pedestrian circulation by minimizing the vehicular entrances into the building directly from Howard Road.

Coordination with the Department of Employment Services (DOES) regarding apprenticeship and training opportunities during construction and operation at the subject site, and the provision of any internship or training opportunities during construction and operation at the subject site, either with the applicant or with contractors working on the project independent of DOES. (11-K DCMR § 1005.3(a))

The Applicant has been operating its internal apprenticeship and training program for local high school and college students for over eight (8) years. Thus far, the Applicant has employed a dozen students, three (3) college and nine (9) high school, in paid internships to learn the real estate development industry. The Applicant previously partnered with a local CBE subcontractor to train local electrical apprentices who acquired on-job skills and experience at the Bridge District Phase 1 project site. At Bridge District Phase 1, Applicant engaged seven (7) local contractors in construction projects. The Applicant will endeavor to continue this partnership for the Project. Additionally, once construction on the Project begins, the Applicant aims to partner with the General Contractor to explore ways to create and host a variety of workforce development and training opportunities and events for community members and job seekers, including students.

Efforts to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the proposed project. (11-K DCMR § 1005.3(b))

The Applicant has already undertaken efforts to attract local businesses to the Project and the wider Bridge District. Additionally, the Applicant has been working with local Ward 8 businesses within the Bridge District thus far and intends to continue to do so on the Project. The Applicant has also been working with the Anacostia BID to pursue contracts with local cleaning, landscaping, and trash removal organizations for site cleanup.

Efforts to provide retail or commercial leasing opportunities to small and local businesses, especially Ward 8 businesses, and efforts to otherwise encourage local entrepreneurship and innovation. (11-K DCMR § 1005.3(c))

The Applicant's placemaking strategy for the emphasizes small and local businesses as part of the retail mix for the Bridge District. Additionally, the Applicant has encouraged Ward 8 residents and other community stakeholders to refer qualified small and local businesses, and the Applicant has had several meetings with interested local entrepreneurs.

Coordination with the State Archaeologist and any plans to study potential archeological resources at the subject site, and otherwise recognize local Anacostia history. (11-K DCMR § 1005.3(d))

In coordination with the D.C. State Historic Preservation Officer, the Applicant has studied the potential for archeological resources at the Property and other locations within the Bridge District. To date, the Applicant has completed Phase I and Phase II studies and found no historical resources on the site. The research potential of the site was exhausted during the Phase I and Phase II investigations; and therefore, no further archaeological investigations were recommended at the end of these investigations. The Applicant will continue to coordinate with the D.C. State Historic Preservation Officer.

VII. Evaluation of General Design Review Criteria

Street frontages are designed to be safe, comfortable, and encourage pedestrian activity. (11-X DCMR § 604.7(a))

The Project's only public street frontage is along Howard Road. The Howard Road frontage is entirely devoted to active retail use that allows for multiple entrances to satisfy the NHR zone designated street standards. These include, among other requirements, the provision of fourteen (14)-foot (minimum) clear ground floor height and an average distance of 40 feet between ground-floor pedestrian entrances. As shown in the Plans, the active ground-floor uses within the Project will be accessible via a well-designed, reconstructed public streetscape. Collectively, the active ground floor uses and well-designed streetscape will create a safe and inviting pedestrian environment.

Public gathering spaces and open spaces are encouraged. (11-X DCMR § 604.7(b))

The Project is located to the east of a green courtyard between Bridge District Phase 1 and the Parcel 5 Building. This courtyard will be activated by retail and associated retail outdoor dining areas along both its western edge and its southeast corner, residential amenity space and associated residential garden patio areas along its eastern edge, and a pedestrian walkway that runs north-south through its center. This space is one of several outdoor areas throughout the Bridge District that will provide opportunities for informal gatherings and formal programming. The Project also features several rooftop amenities for use by Project residents.

New development respects the historic character of Washington's neighborhoods. (11-X DCMR § 604.7(c))

The Project does not affect the historic character of Washington's neighborhoods. As noted above, the Project is being developed in a largely undeveloped area. In addition, the area is surrounded by transportation infrastructure and parkland, and thus lacks any strong urban form to which the Project might relate to unto itself and is severed from the Anacostia neighborhood to the east and south. To that end, the Project is approximately 0.40 miles from the historic Anacostia neighborhood, between which runs the I-295 freeway. As such, the Project's height and scale is not expected to have any adverse impact on historic Anacostia.

In addition, the newly constructed South Capitol Street ovals on the east and west sides of the Bridge have potential to become truly active public spaces that connect both sides of the Anacostia River. The eastern oval can serve as a gateway into Poplar Point and Anacostia Park. Furthermore, in coordination with DDOT the Applicant is in the midst of improving a two-acre park immediately west of Bridge District Phase 1. The Project, and the overall Bridge District can help activate the areas directly east of the Frederick Douglass Bridge.

Buildings strive for attractive and inspired façade design. (11-X DCMR § 604.7(d))

As shown in the Plans and detailed throughout this statement, the Parcel 5 Building provides pedestrian-oriented street-frontage designs, including high ceiling clearance and glass windows at the ground floor creating pedestrian interactivity. On the upper floors of the east, south, and west elevations, the building presents a disciplined grid composition marked by alternating horizontal bands of dark metal panel and light-colored masonry or metal. Light-toned vertical pilasters extend uninterrupted from the second floor to the roofline, accentuating the structure's vertical rhythm and contributing to its sense of scale. The horizontal articulation follows a repeated pattern—two courses of dark metal to one course of lighter masonry / metal—which introduces a 3-2-2 grid scheme as you move vertically up the building and creates a visual richness across the façade. The north façade features a window wall system that maximizes views toward Poplar Point and the Anacostia River while contrasting with the other, more structured facades. On the north side of the building, facing Poplar Point and the Anacostia River, private balconies are provided at the corner units which break up the mass of the building and provide further architectural interest. In response to feedback from the Office of Planning, private balconies have also been added to the corner units on the south façade to strengthen indoor/outdoor connections and further activate Howard Road.

Sites are designed with sustainable landscaping. (11-X DCMR § 604.7(e))

The Project seeks to integrate landscape into spaces throughout the Property and the Parcel 5 Building. As shown in the Plans, landscaping has been integrated into spaces at the ground-level, second-floor terrace, and at the roof level. Plantings, soil and drainage systems, and irrigation will be designed using current best practices to maximize successful plant growth and longevity to yield an attractive, mature landscape. The planting design seeks to provide year-round appeal while minimizing the need for excessive water usage or high-intensity maintenance activities like frequent fertilization, spraying, or seasonal re-planting. Native species will be incorporated in the planting designs to the maximum extent feasible. In addition, the Project will meet or exceed all Green Area Ratio (“GAR”) and DOEE Stormwater Management requirements.

Sites are developed to promote connectivity both internally and with surrounding neighborhoods. (11-X DCMR § 604.7(f))

The Project is designed to complement the Bridge District Phase 1 development and the larger Bridge District neighborhood. The series of public parks and publicly accessible open spaces throughout the Bridge District will support gatherings and social interaction. Further, the Bridge District’s complete pedestrian and bicycle network will promote connectivity to Anacostia Park, the Anacostia Metrorail station, the historic Anacostia neighborhood, and Downtown DC.

VIII. Evaluation of General Special Exception Criteria

Pursuant to 11-X DCMR Section 604.6, the Zoning Commission must find the Project meets the general special exception standards of the Zoning Regulations. The Project must satisfy a two-pronged test to satisfy special exception review: (i) that the Project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and (ii) that the Project will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Project satisfies these requirements, as follows:

The Project Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps. (11-X DCMR § 901.2(a))

As demonstrated throughout this statement, the Project is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Map applicable to the Property. The Project will reinvigorate this underdeveloped area of Washington, D.C. and provide superior architecture on the east side of the Anacostia River. Broadly, the NHR zone permits and encourages a broad mix of residential, commercial, and other uses, and the Project provides an appropriate mix of these uses, focusing on residential, including significant affordable units, many of which are larger-sized affordable units, with supporting retail and service uses. The Project is consistent with all applicable NHR development standards, including the maximum permitted height and density of 130 feet and 9.0 FAR, respectively. The Project is in harmony with the purpose and intent of the Zoning Regulations as it will promote the public health, safety, and general welfare of District residents. Given its distance from the lower-scale development pattern of historic Anacostia, and the separation provided by the Anacostia Freeway, the Project will not have any impact on the light and air of surrounding neighborhoods. Further, given the Property’s

proximity to Metrorail, and bicycle and vehicular infrastructure, the additional residential density will not result in an undue concentration of population or overcrowding of land. Indeed, the Property is an ideal location for additional height and density to help address the Washington, D.C.'s housing needs, and the critical need for improved neighborhood amenities east of the Anacostia River. Finally, with an emphasis on open space and an extensive pedestrian and bicycle network, the Project, and wider Bridge District, offer residents in Ward 8 an accessible community with high quality design.

The Project Will Not Affect Adversely the Use of Neighboring Property in Accordance with the Zoning Regulations and Zoning Map. (11-X DCMR § 901.2(b))

The Property is surrounded by parkland, the Anacostia Metrorail station, and transportation infrastructure. Most of the property immediately adjacent to the Project is owned by affiliates of the Applicant and will be part of the overall Bridge District development. The Project will not adversely affect the use of neighboring property, but rather will support the community by offering housing and retail and service uses where it is needed. The Applicant has coordinated with the ANC 8A and the surrounding community and will continue to do so throughout construction of the Project, and the overall Bridge District. The Applicant has also coordinated with the nearby school to the immediate southeast, Cedar Tree Academy.

IX. Evaluation of Comprehensive Plan Consistency

Pursuant to 11-K DCMR § 1005.2, as part of its review the Commission must find the proposed Project to be not inconsistent with the Comprehensive Plan (“**Comp Plan**”).⁶ See 11-X DCMR § 604.5. As stated in the Framework Element, in deciding as to Comp Plan consistency, “the [Commission] must consider the many competing, and sometimes conflicting, policies of the [Comp Plan], along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the [Commission] to consider and balance those policies relevant and material to the individual case...and clearly explain its decision-making rationale.” 10A DCMR § 224.8. To approve the Project, the Commission must consider and balance potential Comp Plan consistencies and inconsistencies to make an overall determination as to whether the Project is “not inconsistent” with the Comp Plan when read as a whole.

Equity, and particularly racial equity, is a primary focus of the Comp Plan, especially in the context of zoning where certain priorities stand out, including affordable housing, avoiding displacement of existing residents, and creating / increasing access to opportunity. The Framework Element states that equity is both an outcome and a process, and exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. 10A DCMR § 213.6. The Comp Plan emphasizes that considerations of equity, and particularly racial equity must be part of a District agency’s evaluation and implementation of Comp Plan policies and actions. The Commission considers racial equity as an integral part of its analysis as to whether a proposed zoning action is “not inconsistent” with the Comp Plan. 10A DCMR § 2501.8.

⁶ D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Law 24-0020 (Comprehensive Plan Amendment Act of 2020), including the Generalized Policy Map (“GPM”) and Future Land Use Map (“FLUM”) (D.C. Resolution R24-0292).

To assist the Commission in applying a racial equity lens to its Comp Plan determinations, the Commission developed a Racial Equity Tool (published on February 3, 2023) that applicants are expected to utilize throughout the process of a proposed zoning action. The Racial Equity Tool emphasizes community outreach, and is intended to facilitate proactive and meaningful engagement with the community most likely to be affected by the proposed zoning action in order to: (i) gain insight on negative conditions that may exist in the community, particularly those that are a result of past and present discrimination, (ii) develop an understanding of community priorities, and (iii) solicit input on potential positive and negative outcomes of the proposed zoning action. Preparation of the following Comp Plan evaluation was guided by the Commission’s Racial Equity Tool, and was also informed by the D.C. Office of Planning’s (“OP”) Equity Crosswalk (effective August 21, 2021) (the “Equity Crosswalk”), which highlights Comp Plan policies and actions.

Per **Part I (Racial Equity Analysis Submissions – Guidance Regarding the Comprehensive Plan)** of the Racial Equity Tool, the Applicant has conducted a thorough evaluation of the Project’s consistency with Comp Plan policy guidance. In conducting this evaluation, the Applicant has thoroughly considered the goals and policies of each Comp Plan element. For those Citywide Elements that are more directly applicable to the Project, a narrative is provided explaining the basis for the Applicant’s determination that the Project is not inconsistent with that element. In addition, the Applicant’s evaluation also includes a specific assessment of potential Comp Plan inconsistencies. As detailed below, overall, the Applicant finds the Project to be not inconsistent with the Comp Plan when read as a whole through a racial equity lens. In particular, the Applicant finds that the proposed Project will advance several policies within the Lower Anacostia / Near Southwest Area, Land Use, Housing, Economic Development, and Urban Design Elements related to the production of housing near transit, including affordable housing, to achieve District housing goals, the provision of increase neighborhood retail and service uses in underserved areas, and the integration of sustainability and climate resilience strategies in buildings.

The Applicant has identified one Transportation Element policy and one Environmental Protection Element policy with which the proposed Project could be considered inconsistent. The Transportation Element policy recommends minimization of off-street parking (T-1.1.8: Minimize Off-Street Parking). The Environmental Protection Element policy recommends prohibition of activities within floodplains, waterfronts, and other low-lying areas that could pose public health or safety hazards in the event of a flood, and that regulation of land uses in floodplains, waterfronts, and other low-lying areas should consider the long-term effects of climate change—including sea level rise, increasingly heavy rain events, and more severe coastal storms—on flood hazards (E-1.1.6: Floodplains, Waterfronts, and Other Low-Lying Areas). As discussed in detail below, the potential inconsistency with these two policies is far outweighed by the Project’s consistency with numerous other Lower Anacostia / Near Southwest, Land Use, Housing, Environmental Protection, and Economic Development Element policies.

GENERALIZED POLICY MAP EVALUATION

The GPM provides “a generalized depiction of anticipated changes through the horizon year of the Comp Plan.” It is intended to “guide land use decision-making in conjunction with the Comp Plan text, the Comp Plan Future Land Use Map (“FLUM”), and other Comp Plan maps. Boundaries on the GPM are to be interpreted in concert with these other sources as well as the

context of each location.” 10A DCMR § 225.2. As shown in **Figure 1**, the GPM depicts the Property within a Land Use Change Area and Resilience Focus Area. Land Use Change Areas “are areas where change to a different land use from what exists today is anticipated” and “the [FLUM] depicts the specific mix of uses expected for these areas.” 10A DCMR § 225.9. The “guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development...Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities.” 10A DCMR § 225.11. The GPM states that development sites within a Resilience Focus Area are encouraged and expected to implement “neighborhood-scale, as well as site-specific solutions, design guidelines and policies for a climate-adaptive and resilient city.”

The Project is not inconsistent with the GPM Land Use Change Area designation. The Property is currently vacant and underutilized, and the Project will redevelop the site with a mix

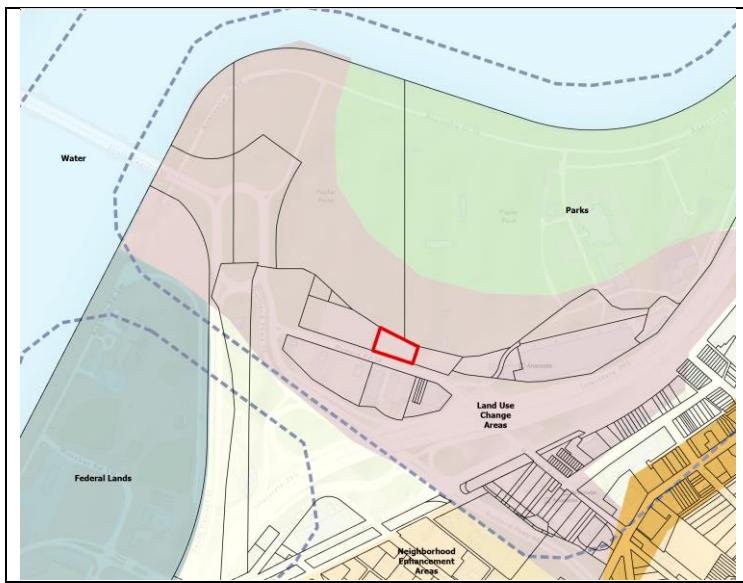


Figure 1: Excerpt of GPM showing Property located within a Land Use Change Area and Resilience Focus Area.

of residential and retail and service uses. Together with the neighboring mixed-use development that is nearing completion on Parcels 3 and 4 (Z.C. Order No. 21-13, Bridge District Phase 1), and the approved mixed-use development on Parcels 1 and 2 across Howard Road (Z.C. Order No. 22-39), the Project will further advance the build-out of the Bridge District, a major new, mixed-use community east of the Anacostia River that will bring substantial new housing, affordable housing, neighborhood amenities, improved access to open space, and access to employment opportunities and other community improvements.

The Project is also not inconsistent with the GPM’s recommendations for developments within Resilience Focus Areas. The Project employs a site-specific resilient design and actively anticipates future flood risk by raising the elevation of the residential program of the Project above the 500-year floodplain. In addition, critical points of entry to the buildings have been elevated to have thresholds above the Design Flood Elevation. Finally, the Project design also incorporates several of the resilient design strategies included in the District Department of Energy and the Environment’s published “Resilient Design Guidelines.” Such strategies include, among others, stormwater infiltration, keeping occupied spaces above the sea level rise adjusted flood elevation, green roofs, building electrification (except for the retail), rooftop solar panels that will meet or exceed the NHR zone’s annual energy generation requirement, and use of drought tolerant landscaping.

FUTURE LAND USE MAP EVALUATION

The FLUM shows the general character and distribution of recommended and planned uses across the city and, along with the GPM, is intended to provide generalized guidance on whether areas are designated for conservation, enhancement, or change. 10A DCMR §§ 200.5 and 224.4. The land use category descriptions on the FLUM describe the general character of development in each area, citing typical FAR as appropriate. The [FLUM] is not a zoning map and is intended to be interpreted broadly, *See* 10A DCMR § 228.1(a). This is particularly relevant for sites with Mixed Use designations where the mixing of two or more land uses is especially encouraged but is not mandatory. The FLUM designates the site as Mixed Use (High Density Residential, High Density Commercial, and Institutional). The FLUM designation does not express a preference for residential or commercial development since both are identified as high density. However, policy guidance found in the Comp Plan Elements and the major planning efforts currently being undertaken by the District favor maximizing new housing on the Property.



Figure 2: Excerpt of FLUM showing Property designated as Mixed Use (High Density Commercial, High Density Residential, Institutional).

The Project is not inconsistent with the FLUM. The Framework Element does not provide specific guidance on density within areas that are designated for Mixed Use development. Rather, it is simply stated that the general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown, and that the Area Elements may provide detail on the specific mix of uses envisioned. The proposed density of the Project is not inconsistent with the FLUM, and the scale of development envisioned near Poplar Point in the Lower Anacostia Waterfront / Near

Southwest Element. The Framework Element states that sites with a High Density Commercial FLUM designation have typical densities that are greater than 6.0 FAR, and sites with a High Density Residential designation have typical densities that are greater than 4.0 FAR. The Project has a proposed density of approximately 7.21 FAR, and thus is not inconsistent with the FLUM. Furthermore, as discussed below the Comp Plan supports a larger scale of development near Poplar Point given its proximity to Metrorail, major transportation infrastructure, and separation from lower-scale neighborhoods to the east and south.

LOWER ANACOSTIA / NEAR SOUTHWEST AREA ELEMENT EVALUATION

The Project is not inconsistent with the policies set forth in the Lower Anacostia / Near Southwest Area Element (“**AW Element**”). The Project will redevelop a vacant site near transit, the waterfront, and historic Anacostia with a new mixed-use development containing approximately 299 new (market rate and affordable) dwelling units and approximately 8,476 GFA of new retail use. Consistent with the GPM, FLUM, and AW Element policies, the Project will bring greater residential and retail development to Poplar Point and the underserved neighborhoods east of the Anacostia River at a scale that is envisioned by AW Element policies and the AWI Framework Plan, and appropriate given the site’s proximity to Metrorail and other major surface roads and separation from the lower-scale pattern found in nearby Historic Anacostia (AW-1.1.2, AW-1.1.7, AW-1.1.8, AW-1.1.9, AW-2.4.3, AW-2.4.5, AW-2.4.7). In accordance with the requirements of the NHR zone, the Project will provide approximately 27,948 GFA of affordable housing at the 50% MFI and 60% MFI levels. Notably, approximately 25% of the affordable housing will be devoted to 50% MFI levels, all of which will be devoted to three (3)-bedroom units. In addition, 33% of the affordable housing provided at the 60% MFI level will also be devoted to three (3)-bedroom units. This amount of affordable housing far exceeds regular IZ requirements for this type of project which typically have eight percent (8%) set asides. Further, the Project design integrates several sustainable and climate-adaptive strategies, including extensive green roof and rooftop solar that will meet or exceed the NHR zone’s annual energy generation requirement. The Project site will also be raised out of the 500-year floodplain and critical infrastructure, and residential uses will be located above the established base flood elevation (AW-1.1.5, AW-1.1.6). The Project, along with other ongoing and approved developments in the Bridge District, will also improve vehicular, bicycle, and pedestrian access to Poplar Point and transform the area between Poplar Point and the Anacostia Metrorail into a mixed-use, multi-modal area (AW-2.4.8).

LAND USE ELEMENT EVALUATION

Overall, the Applicant has determined that the Project is not inconsistent with the Land Use Element. The proposal will add approximately 299 units of new housing, including approximately 31 units of new affordable housing for low-income households (including approximately 12 affordable three (3)-bedroom units) in proximity to public transit and the Anacostia waterfront park system (LU-1.4.3). Indeed, to facilitate transit use and support alternative modes of travel the Project will newly constructed sidewalks and streetscape along Howard Road and the extension of the bike path along the north side of the Property which will connect to the city’s larger system of bicycle and multi-use trails (LU-1.4.5). The Project, which is part of the Applicant’s ambitious, multi-phased Bridge District, will bring high-density mixed-use development that will help address known gaps in high-quality affordable housing and neighborhood-serving amenities in neighborhoods located east of the Anacostia River, in a location that will not impact the lower scale and character of neighborhoods to the east in historic Anacostia (LU-2.1.1, LU-2.1.3, LU-1.4.2). Reflecting the Applicant’s commitment to sustainability and climate resilience, the Project design incorporates several strategies that focus on advancing environmental sustainability and climate resilience, including green roofs, rooftop solar, full electrification of residential components of the Project, raising Property above 500-year floodplain, and locating critical building systems and residential uses out of the base flood elevation (LU-1.1.2, LU-1.2.8).

TRANSPORTATION ELEMENT EVALUATION

The Applicant has determined that the Project is not inconsistent with the Transportation Element. The Parcel 5 Building will support equitable transit-oriented development by providing approximately 299 new residential dwelling units, of which approximately 31 will be affordable to 50% and 60% MFI households, in close proximity to Metrorail, bus routes, and Capital Bikeshare. (T-1.1.4, T-1.1.7). The proposal will also extend the ongoing construction of significant pedestrian improvements being made by the Applicant throughout the Bridge District, which will markedly improve circulation and safety to public transit and nearby trails (T-2.4.1). The Applicant has taken a holistic approach to parking and loading access within the Bridge District, which has significantly reduced curb cuts along Howard Road, and ensured that the pedestrian / bicycle trail along the northern edge of the Bridge District (which connects to the surrounding trail network along Anacostia Park and over the Frederick Douglass Bridge), remains free of vehicular and truck conflicts. (T-1.2.3, T-2.3.2, T-2.3.3). Finally, as part of the project, and in coordination with DDOT, the Applicant will implement EV charging infrastructure within the Project and a thorough program of Transportation Demand Management strategies that aim to reduce vehicular trips generated by the Project, which may include unbundling the cost of parking from the cost of housing and providing real-time traveler information in the lobby of the Parcel 5 Building. (T-3.1.1, T-3.4.1, T-5.2.2).

HOUSING ELEMENT EVALUATION

The Project is not inconsistent with the policies of the Housing Element. According to 2022 American Community Survey (“ACS”) data, the median household income in the AW Planning Area is approximately \$112,346, which is approximately 110% of the District-wide median household income, and approximately 94% of the 2022 median household income for the Washington-Arlington-Alexandria Metropolitan Statistical Area (“MSA”).⁷ Considering the site’s located on the east side of the Anacostia River, the socioeconomic characteristics of the Far Southeast and Southwest (“FSS”) Planning Area are also germane to the subject application. Notably, according to the 2022 ACS data the median household income in the FSS Planning Area is approximately \$37,521, which is approximately 37% of the District-wide median household income, and approximately 31% of the 2022 median household income for the Washington-Arlington-Alexandria MSA. Thus, the approximately 299 market rate and affordable units provided within the Project will provide transit-adjacent housing within a pedestrian-oriented, mixed-use development for the wide range of incomes found throughout these two Planning Areas, and Districtwide (H-1.1.1, H-1.1.4, H-1.2.2). The market rate housing within the Project will increase the socioeconomic diversity of the area which can help attract new neighborhood amenities that are lacking in neighborhoods located east of the Anacostia River, while the new dedicated IZ affordable housing will help offset the rising cost of housing and minimize the potential for displacement. (H-1.1.3, H-1.2.3, H-1.2.9, H-1.2.11, H1.3.2). The affordable housing provided in the Project will meet or exceed the elevated IZ requirements of the NHR zone, which emphasize housing for low-income households, including family-sized units for low-income households. Specifically, the Project will contain approximately 31 IZ units devoted to low- and very-low income households, all of which will be constructed of similar quality as the market rate units. (H-1.1.5, H-1.2.1) Further, every three (3)-bedroom unit within the Project will be a

⁷ <https://opendatahub.dc.gov/search?tags=racial%20equity>; <https://datausa.io/profile/geo/washington-arlington-alexandria-dc-va-md-wv>

designated IZ unit. (H-1.1.9, H-1.3.1). Finally, in addition to contributing to the District's overall and affordable housing goals, the Project will also help advance the city's sustainability goals, through its substantial use of rooftop solar and full electrification of the residential program. Indeed, the Project will incorporate several of DOEE's recommended climate resilience strategies for new residential developments, will employ water efficient and other sustainable systems to achieve a minimum LEED Gold rating, and is targeted to achieve net-zero energy efficiency. (H-1.6.1, H-1.6.5).

ENVIRONMENTAL PROTECTION ELEMENT EVALUATION

The Project is not inconsistent with the policies of the Environmental Protection Element. In accordance with NHR zone requirements, the Project will promote green building through its adherence to several sustainable operations and maintenance standards (E-4.2.1). The Project is designed to achieve a minimum LEED v4.0 Gold certification and will contain rooftop solar panels that can generate a minimum of 1% of the energy needed to operate the building (E-3.2.3, E-3.2.6, E-3.2.7). Furthermore, the Project design incorporates several climate resilient strategies that are recommended in DOEE's resilient design guidelines. Such strategies include raising occupied spaces above adjusted flood elevation, protecting mechanical and electrical equipment from flooding, utilizing cool and vegetated roofs, maximizing natural daylighting, and targeting 100% electrification of the Project's residential program (E-1.1.1). The Project will contain substantial ground cover and green roof that will aid in stormwater retention, runoff prevention, and urban heat island reduction. (E-1.1.2, E-4.1.2, E-4.1.3). The proposed green roofs, and other landscaped areas within and around the Project will utilize native, drought tolerant species to the maximum extent possible and sustainable landscape practices to minimize (E-2.1.3). Additionally, the Project will promote expansion of the District's urban tree canopy through tree planting and landscaping within the building's large landscape courtyard and along the Howard Road streetscape. (E-2.1.2).

ECONOMIC DEVELOPMENT ELEMENT EVALUATION

The Project is not inconsistent with the policies of the Economic Development Element. The approximately 8,476 GFA of ground-floor retail use provided in the Project will expand the District's retail sector in a part of the District where neighborhood retail needs have historically been underserved. (ED-2.2.1, ED-2.2.3). The Project's retail space, together with the retail and service uses that will be located in the adjacent Bridge District Phase 1 project and on other Bridge District parcels, will establish an important neighborhood retail node immediately adjacent to the Anacostia Metrorail station that will address longstanding amenity gaps and promote diversity in the area's commercial businesses (ED-2.2.9, ED-3.1.1). The Applicant has a demonstrated track record with working with the community, including supporting local entrepreneurs and small businesses. Through the Applicant's Community Benefits Agreement ("CBA") with the community, the Project, and continued build out of the Bridge District, will create direct and indirect employment opportunities for Ward 8 residents, internships for Ward 7 and Ward 8 high school and college students, and business opportunities for small and minority-owned local retailers. (ED-2.2.4, ED-3.2.2, ED-3.2.8). As required under the NHR zone, the Applicant has continued its coordination with DOES regarding apprenticeship, job training, and internship opportunities for construction and operation activities within the Bridge District. Additionally, the engagement with DOES also includes efforts to include local businesses in contracts for

construction and operation, and to provide retail and commercial leasing opportunities to small and local business at a discounted rate.

URBAN DESIGN ELEMENT EVALUATION

The Applicant finds the Project to be not inconsistent with the policies of the Urban Design Element. The Project is the next phase of the Applicant's ongoing buildout of the Bridge District. Like the Bridge District Phase 1 development (Parcels 3 and 4) and the buildings approved on Parcels 1 and 2, the proposed design is fitting for an important gateway into Washington, DC. (UD-1.4.1, UD-2.2.1). The proposed design highlights the building's high-quality materiality and emphasizes the building's verticality, as well as provides texture and articulation that helps reduce the mass and scale of the building. (UD-4.2.1, UD-4.2.4, UD-4.2.6). Balconies on the corner units facing Howard Road and Poplar Point further reduce the building massing and provide a residential character. In addition to its striking, high-quality aesthetic, the Parcel 5 Building will also elevate the pedestrian experience along Howard Road and the pedestrian/bicycle promenade along the north through active ground floor uses and thoughtfully designed publicly accessible spaces. Generally, the Applicant has taken a holistic approach to vehicle and loading access within the Bridge District, which has allowed mid-block curb cuts to be minimized. The Parcel 5 Building is no exception, where it will share a single access point with the future building on Parcel 6 and by sharing its entrance for the parking garage with the Bridge District Phase 1 development. (UD-2.1.6)

Along Howard Road, the building will maintain the streetwall established by the Bridge District Phase 1 development to the west, and the ground floor will contain retail and service uses that will activate the streetscape and support pedestrian safety. (UD-2.1.1, UD-3.1.5, UD-3.2.5, UD-4.2.2, UD-4.2.3). Other active building amenities spaces the residential lobby, fitness center, coworking space, and outdoor landscape terraces will provide ground-level activation along the northern pedestrian/bicycle promenade and along the green courtyard space between Parcels 4 and 5. The green courtyard will feature a north-south pedestrian walkway connecting Howard Road to the promenade running along the northern edge of the Bridge District and be flanked by Bridge District Phase 1 retail on Parcel 4 and extensive landscaping on Parcel 5. (UD-2.1.4, UD-2.4.1, UD-3.1.3, UD-3.3.1)

EVALUATION OF POTENTIAL COMP PLAN INCONSISTENCIES

The foregoing Comp Plan analysis thoroughly demonstrates the numerous ways in which the Project aligns with the policies and goals of the Comp Plan, including the FLUM and GPM. However, as explained in multiple decisions by the D.C. Court of Appeals ("Court"), it is not sufficient to simply identify the policies that would be advanced when evaluating a proposal for consistency with the Comp Plan. Rather, because there is intentional overlap within and between the Comp Plan elements, a Comp Plan evaluation must recognize potential inconsistencies and explain why the inconsistencies are outweighed by other Comp Plan policies and/or competing considerations. The Court has provided the following specific guidance:

The Comp Plan is a broad framework intended to guide the future land use planning decisions for the District. Thus, even if a proposal conflicts with one or

more individual policies associated with the [Comp] Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the [Comp] Plan as a whole. The Comp Plan reflects numerous occasionally competing policies and goals, and, except where specifically provided, the [Comp] Plan is not binding. Thus, the Commission may balance competing priorities in determining whether a proposal would be inconsistent with the Comp Plan as a whole. If the Commission approves a [proposal] that is inconsistent with one or more policies reflected in the [Comp] Plan, the Commission must recognize these policies and explain [why] they are outweighed by other, competing considerations.” *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016) (“McMillan”) (internal citations and quotations omitted).

The Implementation Element reflects similar guidance: “[r]ecognize the overlapping nature of the [Comp Plan] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” 10-A DCMR § 2504.6.

Consistent with the guidance provided in the Implementation Element and by the Court, the Applicant conducted a thorough Comp Plan evaluation using a racial equity lens and, as detailed throughout this statement, finds the proposal not inconsistent with the Comp Plan when read as a whole. In conducting its evaluation, the Applicant was careful to identify any instances where the proposal may be viewed as being inconsistent with certain Comp Plan policies. Upon review, the Applicant did identify two potential policy inconsistencies that warrant acknowledgement, and balancing against other Comp Plan policies and considerations that will be advanced by the Project. Generally, the potential policy inconsistencies present in the Project relate to the Transportation Element policy that encourages minimizing off-street parking (T-1.1.8) and the Environmental Protection Element policy that disfavors development activities within the 500-year floodplain that could pose public health or safety hazards in the event of a flood (E-1.1.6).

Off-Street Parking

Regarding vehicle parking, in deriving the amount of proposed parking the Applicant sought to balance transit accessibility, expected residential parking demand, and retail parking demand by visitors to the Bridge District. The Applicant believes the amount of proposed parking strikes the right balance given these factors and does not believe the additional parking will have an adverse impact given the Property’s proximity to major aerial roads and its substantial distance from nearby neighborhoods in historic Anacostia. In addition, the amount of parking that is proposed is well below the amount allowed under the Zoning Regulations before triggering excess parking mitigation requirements. The Applicant is coordinating with DDOT on the transportation aspects of the Project, including identifying TDM strategies that can be implemented to help reduce vehicle trips to and from the Project.

Development Activities within Floodplains

Regarding the Project's location in the 500-year floodplain, the Environmental Protection Element disfavors activities within floodplains, waterfronts, and other low-lying areas that could pose public health or safety hazards in the event of a flood. It further states that regulation of land uses in floodplains, waterfronts, and other low-lying areas should consider the long-term effects of climate change—including sea level rise, increasingly heavy rain events, and more severe coastal storms—on flood hazards. As previously noted, the Project does indeed integrate several environmentally sustainable and climate resilient design strategies, many of which are recommended in DOEE's published set of climate resilience design strategies. Further, the Applicant notes that nearly the entire NHR Zone, which was established in 2020, is located within the 500-year floodplain. As part of the Project, the Property will be elevated slightly such that the Project will in fact be above the 500-year floodplain level, which DOEE deems an acceptable mitigation strategy. Once complete, the Applicant will work with the U.S. Army Corps of Engineers to obtain a revision to the FEMA flood map.

The Project's potential inconsistency with the two Comp Plan policies discussed above is not dispositive of the Project's Comp Plan consistency when read as a whole. On the contrary, when read as a whole the Project is overwhelmingly not inconsistent with the Comp Plan. Some of the outweighing considerations that allow the Applicant to make this determination include, but not limited to: (i) the Project's consistency with the Housing Equity Report's overall and affordable housing goals for the Lower Anacostia Near Southwest Planning Area Element; (ii) the Project's overall transit-oriented residential program, and in particular the deep affordability levels and high number of larger-sized affordable units (LU-1.4.3, H-1.1.1, H-1.1.9, H-1.2.1, H-1.2.11); (iii) the Project's extensive environmental and climate resilient design strategies, including use of rooftop solar, full residential electrification, and deployment of EV charging infrastructure (LU-1.1.2, E-1.6.1, E-3.2.3, E-3.2.6); and (iv) the Project's furtherance of Comp Plan policies that promote increased retail and service uses in historically underserved areas, and the Applicant's advancement of Comp Plan policies that promote local entrepreneurship, job growth, and job training programs (ED-1.1.4, ED-1.1.5, ED-2.2.3, ED-3.2.2, ED-3.2.8, ED-4.1.5, ED-4.2.2, ED-4.2.3).

X. Community Outreach and Engagement

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes. 10-A DCMR § 213.7. As a process, a racial equity lens is employed when those most impacted by structural racism are meaningfully involved in the creation and implementation of the policies and practices that impact their lives. The Commission's Racial Equity Tool emphasizes community outreach and engagement, which are expected to begin at the inception of any proposed zoning action. All submissions to the Commission shall be accompanied by a discussion of efforts taken by applicants to engage the community early in the zoning process. The information contained in table below addresses the questions set forth in **Part II (Community Outreach and Engagement)** of the Racial Equity Tool. As demonstrated below, the Applicant has engaged with the community, and it will continue to do so during the design review process.

Community Outreach and Engagement
Description of affected community (including defining characteristics).
<ul style="list-style-type: none"> · <u>Affected Community:</u> For the proposed Project, the Applicant engaged with the following entities to gain input on existing conditions within the community, and to gain input on the Project: ANC 8A, ANC 8C, Anacostia BID, Anacostia Coordinating Council, Poplar Point Citizens Listening Group, and Ward 8 Community Economic Development (“CED”). The Applicant also attended, and hosted, multiple community meetings to discuss the Project and overall Bridge District developments. · <u>Defining Characteristics:</u> The affected community is located in Ward 8, and along with Ward 7, the community is often referred to as east the (Anacostia) river. Communities east of the river are predominantly Black (and home to the majority of the District’s Black residents). While east of the river communities, especially Ward 8, have been influencing the District’s culture and politics, significant study and storytelling over the last several years has highlighted a history of neglect and underinvestment that has reduced life expectancy of residents as well as social and economic opportunities. Additionally, in the 2018 Health Equity Report published by DC Health, east of the river communities were identified as experiencing disproportionately poor health outcomes as measured by the nine key drivers of health tracked in the report: education, housing, employment, income, transportation, food environment, medical care, outdoor environment, and community safety.
Characteristics of the affected community that influenced outreach plan / efforts.
<ul style="list-style-type: none"> · The affected community is engaged with clear visions on community growth and needs. Community members express that they are often under engaged in development decisions and not often prioritized as critical stakeholders. The community has experienced development projects “flip” quickly, and as a result has not benefited from the opportunity to work with development teams over time. Additionally, the community expressed a desire for development teams to be more active in the community in which they are working.
Outreach methods utilized (including specific efforts employed to meet community needs and circumstances).
<ul style="list-style-type: none"> · Since 2010, the Applicant has been engaged with an array of community stakeholders to learn more about community needs and aspirations and share the vision for the Bridge District. The Applicant has participated in over 300 meetings with community stakeholders and is a monthly/regular participant in meetings with the following community organizations: ANC 8A, ANC 8C, Anacostia BID, Anacostia Coordinating Council, Poplar Point Citizens Listening Group, and Ward 8 CED.
Community outreach timeframe / dates of major meetings and points of engagement
<u>December 2024</u> <ul style="list-style-type: none"> · Meeting with ANC 8A Commissioner to preview and kick off discussions about the Project.
<u>January 2025</u> <ul style="list-style-type: none"> · Meeting with the Executive Director of Cedar Tree Academy to share project plans, review designs, and capture feedback. · Meeting with ANC 8C Commissioners to share project plans, review designs, and capture feedback. · Continued engagement of ANC 8A.

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- Continued engagement of ANC 8A
- Meeting with the Board of Historic Anacostia Block Association to share project plans, review designs, and capture feedback.
- Meeting with the Washington Area Capital Investment Fund to share project plans, review designs, and capture feedback.
- Applicant hosted a Community Open House for neighbors and members of the community to meet Project team, review and discuss plans and share feedback.

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- Presented Project plans and review designs at ANC 8A public meeting where ANC 8A voted in support of the Project.

Members of the affected community that would potentially benefit from the proposed zoning action.

- Residents of the affected community in need of affordable housing at the 50% and 60% MFI levels, including a substantial number of three (3)-bedroom affordable units that can accommodate larger and multi-generational families.
- Approximately 8,476 GFA of retail use to help close key amenity gaps in neighborhoods east of the Anacostia River.
- Commitment to high level of sustainability in design, construction, and operations to ensure that the surrounding, traditionally environmentally stressed community will not be burdened by the Project.
- Continued improvement and enhancement of the public realm, following community input, to ensure Howard Road maintains the following neighborhood-serving elements where feasible: lighting, tree canopy, planter boxes, and art.
- The Applicant aims to provide the following benefits to the community, ANCs, and Ward 8:
 - Support community-based organizations in the following areas: public safety, food and health equity, arts and culture, youth empowerment, and economic and workforce development.
 - Workforce development emphasizing training and priority hiring, and subcontracting opportunities for Ward 8 residents.
 - Support for local Black entrepreneurs in the food and beverage industry.
 - Creation of community-oriented and family-friendly spaces (including a public greenspace) for events, activations, recreation, and community gathering.

Members of the affected community that would potentially be burdened by the proposed zoning action.

- Residents within the affected community may experience construction-related disruptions to travel around the Project, including residents living in the Applicant's recently completed Bridge District Phase 1 development that is adjacent to Parcel 5.
- Cedar Tree Academy may experience construction-related impacts (travel, noise, dust).

Community input on existing conditions and current challenges that have resulted from past or present discrimination, and current ongoing efforts in the affected community to address these conditions.

- The Applicant has received the following input from the affected community:
- History of development projects in Ward 8 over promising and under delivering on community benefits.
- Significant lack of community engagement and opportunities for community members to be heard and provide input on development projects.
- Hiring and subcontracting practices that do not emphasize Ward 8 residents, women, and returning citizens.
- Affordable housing options for larger families are very limited; strong interest in three (3)-bedroom units to support generational families who desire to live together.

Potential positive outcomes of the proposed zoning action identified by the affected community.

- The approximately 31 dedicated affordable housing units (approximately 27,948 GFA) represents approximately 3.6% of the affordable housing production goal set forth in the Mayor's 2019 Housing Equity Report for the Lower Anacostia Waterfront & Near Southwest Planning Area.
- Traffic calming measures along Howard Road, and wider sidewalks that are pedestrian and bike-friendly.
- Trails and sidewalks that link to the Anacostia Riverwalk Trail and the Frederick Douglas Memorial Bridge.
- Retail and service uses that will fill key amenity gaps in neighborhoods east of the Anacostia River.
- The Applicant will support Ward 8 community-based organizing to endeavor to build capacity and increase mission-critical work and services.
- The Applicant aims to train and hire individuals (especially parents and caregivers from Cedar Tree Academy) and subcontractors from Ward 8 throughout all phases of construction.

Potential negative outcomes of the proposed zoning action identified by the affected community.

- Increase in traffic (vehicles, bicycle, pedestrians) in and around the Property.

Changes / modifications made to the proposed zoning action that incorporate / respond to input received from the affected community.

- The Applicant consolidated the parking access to the Parcel 5 Building with the parking access to the Bridge District Phase 1 development to reduce pedestrian / vehicular conflict points along Howard Road and reduce traffic directly outside of the neighboring Cedar Tree Academy.

Members of the affected community that would potentially benefit from the proposed zoning action.

- Short- and long-term residential tenants in the Applicant's newly delivered apartment buildings.
- Short- and long-term retail tenants in the Applicant's newly delivered apartment buildings.
- Cedar Tree Academy students and families as well as school staff and school board.

- District residents who live near the Project in Navy Yard, Anacostia, Barry Farm and Congress Heights neighborhoods that will have access to new housing and new housing, open spaces, and neighborhood-serving amenities.

Efforts taken to mitigate potential negative outcomes identified by the affected community.

- The Project features wide sidewalks that are designed to be pedestrian and bike-friendly.
- The Project will complete the construction of the green courtyard between Bridge District Phase 1 and the Parcel 5 Building. This green courtyard will be activated by retail and associated retail outdoor dining areas along both its western edge and its southeast corner, residential amenity space and associated residential garden patio areas along its eastern edge, and a publicly accessible pedestrian walkway that runs north-south through its center. This pedestrian walkway will connect Howard Road with the promenade that runs along the northern edge of the Bridge District.
- The pedestrian walkway is just one of several publicly accessible open spaces being provided by the Applicant throughout the Bridge District.
- In response to feedback received from the Office of Planning during the Applicant's Pre-Design meeting, balconies were added along the Howard Road frontage—where they were not previously included—in order to enhance the indoor/outdoor relationship and provide further activation and safety through additional “eyes on the street”.
- The Applicant has contributed to the Mayor’s homeownership goals and recently delivered 757 units, of which 78 are affordable at 50% and 60% MFI.
- Additionally, the Applicant recently delivered 88 for sale townhouses in Congress Heights at the St Elizabeths East Campus, of which 27 of the townhouses are designated affordable “workforce housing”. In addition, the Applicant has partnered with MANNA Inc, who facilitated a Homebuyers Club to help prepare families and individuals interested in purchasing one of the townhomes.
- The Applicant is an active listener in several community meetings regarding community safety and gun violence, and is a member of Preservation of Affordable Housing’s (POAH) Neighborhood Safety Task Force.
- The Applicant will continue to actively engage the Anacostia BID, WMATA (and MTPD), and MPD, as well other community advocates on strategies that can effectively address potential crime within the Bridge District.

XI. Evaluation of Zoning Action Through a Racial Equity Lens

The Framework Element states that “equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities.” 10-A DCMR 213.6. As an outcome, racial equity is achieved when race no longer determines one’s socioeconomic outcomes, and when everyone has what they need to thrive no matter where they live or their socioeconomic status. 10-A DCMR § 213.9. The table below correlates the potential outcomes of the Project with specific themes related to racial equity that are enumerated **Part IV (Criteria to Evaluate a zoning Action through a Racial Equity Lens)** of the Commission’s Racial Equity Tool. As demonstrated below, the outcomes of the Project have the potential to positively advance equitable development through improvements in land use, housing, employment, and access to opportunity.

Direct Displacement	The Project will not result in any direct displacement of existing residents or businesses as the Property is currently vacant.
Indirect Displacement (Economic and Cultural)	Indirect displacement of tenants or residents is not expected to occur in the area surrounding the Project. Additional housing (market-rate and affordable) provided by the Project is needed to help relieve continued pressure on existing housing stock. Any potential for indirect residential displacement can be mitigated by the substantial amount of 50% and 60% MFI IZ units in the Project. Indirect displacement of residents and/or businesses caused by new amenities (retail, services, entertainment, parks) is unlikely given the distance between the Project and established neighborhoods to the east such as historic Anacostia, Barry Farm, Fairlawn, and Randall Heights.
Housing	The Project will result in positive outcomes housing outcomes. The Project will contain approximately 299 new dwelling units, of which approximately 31 will be IZ units that are all set aside for 50% and 60% MFI households. All three (3)-bedroom IZ units will be devoted to 50% MFI households. The housing in the Project represents approximately 3.8% of the overall housing production goal, and approximately 3.6% of the affordable housing production goal set forth in the Mayor's 2019 Housing Equity Report for the Lower Anacostia Waterfront & Near Southwest Planning Area.
Physical	<p>The Project will result in positive outcomes to the physical environment. The public space along Howard Road will be reconstructed in accordance with DDOT standards, thus improving pedestrian safety through widened sidewalks, traffic calming measures, and minimization of curb cuts. Additionally, the Project will contain the next segment of the pedestrian/bicycle promenade that the Applicant is constructing along the entire northern edge of the Bridge District.</p> <p>Environmentally, while the Project will likely increase traffic compared to current site conditions, it is likely to result in positive environmental outcomes. The Project incorporates several sustainability and climate resilience strategies, including rooftop solar and green roof areas, will achieve a minimum LEED Gold certification.</p>

Access to Opportunity	<p>The Project will result in positive outcomes to employment through construction-related jobs and permanent jobs in residential building management and retail and services uses. Some of these jobs will be facilitate through the Applicant's continued engagement with the community through its college and high school student internship program, and through its close coordination with DOES.</p> <p>Further, the Project will result in positive outcomes to neighborhood amenities and help close well-established amenity gaps by providing approximately 8,476 GFA of ground-floor retail and services uses.</p>
Community	<p>From the outreach period, the Project team captured the following comments and feedback from community stakeholders:</p> <ul style="list-style-type: none"> Appreciation for commitment to sustainable design; interest in seeing Project create jobs and training opportunities. Comments about equity and inclusion and how the Project team can create opportunities for Black-owned businesses. Barracks Row referenced as design inspiration for ground-floor retail. Interest in seeing ground-floor retail services missing from Ward 8; community was not interested in medical services or similar. Comments about the need for affordable and market-rate housing. In response to feedback received from the Office of Planning, balconies were added along the Howard Road frontage to enhance activation and safety on Howard Road through “eyes on the street”. <p>Project team is refining the ground floor retail strategy based on community feedback; expanding outreach to diverse businesses and looking at interim-retail opportunities to support smaller, emerging brands and businesses.</p> <p>Project team has emphasized feedback about job creation and workforce development with general contractors within the Bridge District to create a strategy to recruit, train, and hire residents from both Ward 7 and 8.</p> <p>Project team is also exploring creating ways to use public art and signage educate the community about mass timer design and construction.</p>

XII. Requests for Technical Zoning Relief

a. Special exception from penthouse habitable space enclosing walls and roof structure (guardrail) setback requirements

The Applicant seeks special exception relief from the penthouse enclosing walls and roof structure setback requirements. Pursuant to Subtitle C § 1503.4(a), walls enclosing penthouse habitable space shall be of a single uniform height. As shown on Sheet A3.03 of the Plans, the large majority of the penthouse habitable space proposed on the rooftop of the Project has a single height of approximately twelve (12) feet. However, over a portion of the amenity space at the western end of the penthouse, the Applicant is proposing a raised clerestory window that is approximately eight (8) feet higher than the habitable penthouse, for a total height of 20 feet, and has an angled wall. Additionally, the Applicant is requesting relief from the setback requirement under Subtitle C § 1504.1 to allow portions of the guardrails at the highest roof level along the northside of the building to not meet the 1:1 setback requirement, including a portion of the guardrail along the elevated pool deck. While the penthouse regulations provide an exemption from the 1:1 setback requirement for guardrails on the highest roof of a building that are required by the building code, the exemption only applies when the building façade does not face a public or private street or public park. As such, the Applicant is requesting setback relief for the portions of the rooftop guardrails that are along the east and west ends of the building that face Poplar Point, and for the portion of the pool deck guardrail that also faces Poplar Point.

Relief from the aforementioned penthouse enclosing walls and roof structure setback requirements is permitted by special exception pursuant to Subtitle C § 1506.1. In order for the relief to be granted, the Commission must find that the Applicant meets the following criteria:

- General special exception criteria of Subtitle X, Chapter 9;
- The Applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and
- At least one of the criteria enumerated in Subtitle C § 1506.1(c)

The Applicant satisfies all criteria list above. Regarding the general special exception criteria, the relief can be granted as it is consistent with the purpose and intent of the Zoning Regulations and Zoning Map, and will not adversely affect the use of neighboring property in accordance with zoning. Generally, the purpose and intent of the penthouse regulation is to ensure a reasonable degree of architectural harmony of penthouses and roof structures with the building upon which they sit and with the surrounding context. The penthouse regulations achieve this purpose through regulating penthouse and roof structure height, setbacks, enclosing walls, and enclosed area.

The relief to allow enclosing walls of unequal height to allow the proposed clerestory will still meet the purpose and intent of the penthouse regulations. As shown in the Plans, despite the relief to allow a portion of the habitable penthouse to have unequal enclosing walls, the penthouse will remain well below the maximum permitted penthouse height. As proposed, the top of the clerestory will have a height of 20 feet, which complies with the maximum penthouse height that is permitted in the NHR zone. Further, the portion of the penthouse with the clerestory will meet all setback requirements and will be designed with the same materials as the rest of the penthouse which harmonize with the base building.

Regarding the setback relief requested for guardrails, the purpose of the penthouse setback requirement is to achieve a degree of order to rooftops, and to reduce the visibility of, primarily, mechanical, and other utilitarian equipment that are needed to construct and operate a building. As described above, the extent of the setback relief is limited to only three portions of the guardrails at the roof level, which are required under the building code. The proposed guardrails will be constructed of glass and thus will not likely be visible from the ground level or Poplar Point.

The two areas of penthouse relief can be granted without adversely impacting the use of neighboring properties. For the unequal enclosing wall relief, the relief is limited to only a small portion of the overall penthouse and its location is significantly separated from the development to the west, Bridge District Phase 1, which was recently completed by the Applicant. For the guardrail relief, the extent of this relief is *de minimis* and pertains to portions of the low profile guardrails along facades that face Poplar Point. The minimal guardrail relief will not have any impact on the use of Poplar Point.

As shown on Sheet A3.03 of the Plans, and pursuant to Subtitle C § 1506.1(b), the Applicant was sure to design the Project's penthouse level so that all mechanical equipment, stairways, and elevator penthouses comply with all applicable setback requirements. All of the Project mechanical equipment is set back as required. As to the elevator penthouse and egress stair at the west end of the penthouse level, these elements are setback 1:1 from the outer facades of the building, and do not need to be set back from the north-facing open court pursuant to Subtitle C § 1504.4.

Finally, the requested penthouse relief, if granted, would result in a better design of the Project's penthouse and roof structures without appearing to be an extension of the building wall. The relief to allow unequal enclosing walls for the clerestory over a portion of the penthouse will remain well below the maximum penthouse height and will be set back 1:1. As such it will not appear to be an extension of a building wall. Similarly, the setback relief for the guardrails along the northside of the building are only 3'-6" in height and will be constructed of glass. As such, to the extent these particular guardrails are visible at all from the surrounding context, they will most certainly not appear to be an extension of any building wall.

b. Special exception from open court width requirement

The Applicant seeks special exception relief from the open court requirement of the NHR zone. Pursuant to Subtitle K § 1001.11, an open court for residential use in the NHR zone must measure a minimum of four inches per foot of the height of the court. For purposes of zoning, the area along the east side of the building where the drive aisle access to parking and loading is provided, between Parcels 5 and 6, is considered an open court. As shown in the Plans, the court has a height of approximately 133'-11", thus requiring a minimum open court width of 44'-8". The proposed open court has a width of approximately 22'-11" on the Property. Thus, the Applicant requests special exception relief to permit the narrower open court width. However, as discussed below, the actual width of the open space that will be provided between the Parcel 5 Building and future Parcel 6 Building will be much wider than the above-mentioned court width due to existing and future access easements on Parcel 6. As a result, the requested court relief will not adversely affect neighboring property, and the open space that will ultimately be provided between Parcels 5 and 6 will be more than sufficient and be in harmony with the intent of the Zoning Regulations.

Relief from the open court requirement under Subtitle K § 1001.11 is permitted pursuant to Subtitle K § 1006.1, subject to the general special exception standards of Subtitle X, Chapter 9. Under Subtitle X § 901.2, an applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulations and Zoning Map, and will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. As discussed below, the Project meets these general special exception criteria as related to the requested open court relief.

Generally, the open court requirements exist to ensure adequate light and air into buildings. In this case, the proposed open court will be situated between the Parcel 5 Building and the future building on Parcel 6. Pursuant to Subtitle B § 322.3, the width of an open court is measured parallel to the opening, which in this case the open court opens onto Howard Road and the side yard along the north side of the Parcel 5 Building. When measured parallel to these openings, the width of the open court on the Property measures approximately 22'-11" wide. This distance is plenty wide to ensure adequate light and air to the Parcel 5 Building dwelling units along the east side of the building and will not adversely impact the occupants of the future Parcel 6 Building. Notwithstanding, the actual amount of open space that will be provided between the Parcel 5 Building and future Parcel 6 Building will be substantially greater. This is due to the fact that the side of the Parcel 6 Building that will directly face the Parcel 5 Building will either be a side or rear yard, and thus will need to be setback from its own property line by approximately 21 – 28 feet, thus resulting in a separation between the two buildings by approximately 43 – 50 feet. In addition to this distance having to be maintained for zoning compliance purposes, as shown on Sheet C0.04 of the civil drawings an existing 20-foot public access easement and future access easement will ensure that the open space between the two buildings will be maintained in the future. Based on the foregoing, the requested relief from the open court width requirement can be granted since the amount of open space that will ultimately be provided between Parcels 5 and 6 is consistent with the intent and purpose of the Zoning Regulations, and specifically the intent of the open court requirements, and any diminution

of light and air resulting from the relief, if any, will not adversely affect the future use of Parcel 6 in accordance with the Zoning Regulations.

c. Special exception from side yard width requirement

The Applicant seeks special exception relief from the side yard requirement of the NHR zone. Pursuant to Subtitle K § 1001.8, a side yard is not required in the NHR zone, but if provided it shall have a depth of at least two inches per one foot of building height, but not less than five feet. The Parcel 5 Building contains one side yard along its north side, through which the pedestrian / bicycle promenade is proposed. Based on the proposed building height of 130 feet, the minimum side yard requirement is 21'-8". As shown in the Plans, the proposed side yard width is approximately 15'-8" for the vast majority of the north side of the building. At the locations of the balconies on the north side of the Project, technically the side yard is reduced to approximately 10'-0" since the Zoning Regulations do not expressly permit a balcony to extend into a required yard, and thus the Zoning Administrator has historically interpreted this to mean the side yard must be measured to the face of the balcony.

Similar to the open court relief request, relief from the side yard requirement under Subtitle K § 1001.8 is permitted pursuant to Subtitle K § 1006.1, subject to the general special exception standards of Subtitle X, Chapter 9. Under Subtitle X § 901.2, an applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulations and Zoning Map, and will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. As discussed below, the Project meets these general special exception criteria as related to the requested open court relief.

The requested side yard relief can be granted as it is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Generally, the side yard requirement exists to ensure adequate light and air into buildings. As stated above, the side yard proposed along the north side of the Parcel 5 Building is predominately 15'-8" deep (narrowing to 10 feet at the location of the balconies. While this depth would be more than adequate to provide sufficient light and air on its own, the fact that Poplar Point is located to the immediate north of the Property will more than make up for any reduction in light and air that would occur from the side yard relief. While the District is in the process of preparing a plan for the redevelopment of Poplar Point, none of the conceptual alternatives that are being evaluated for Poplar Point contemplate development being located directly north of the Parcel 5 Building. The requested side yard relief can also be granted as it will not adversely affect the use of neighboring property in accordance with zoning. As noted, the only adjacent property located along the east side of the Property is Poplar Point. The requested side yard relief will not have any impact on the current or future use of Poplar Point. Given its location to the south of Poplar Point, even without the requested side yard relief the Parcel 5 Building would likely cause some shadow on the park during times of the year that does not occur today. The requested six (6) foot deviation from the minimum side yard depth requirement will not substantially increase the amount of shadow on Poplar Point compared to what would occur without the requested relief, especially considering the large open court that is proposed for the Parcel 5 Building on floors 2 – 12. The

existence of this open court serves to significantly reduce the massing of the Parcel 5 Building along its north side, thus substantially minimizing the amount of shadow that will be cast towards Poplar Point.

d. Special exception from ground floor clear height requirement

The Applicant seeks special exception relief from the ground floor clear height requirement of 11-K DCMR § 1004.3(a), which, in this case, requires the ground floor of the Parcel 5 Building to have a minimum clear height of fourteen (14) feet for a continuous depth of at least 36 feet from the building line along Howard Road. As shown in the Plans, the entire Howard Road ground floor frontage of the Project will be devoted to preferred uses. Furthermore, the large majority of this ground floor space will meet the clear height and continuous depth requirement. Due to utility access needs, there is a small area near the southeast corner of the ground floor that does not satisfy the fourteen (14) foot clear height for the full 36-foot continuous depth. As shown in the Plans, the fourteen (14) foot clear height requirement will be satisfied along the street frontage thus meeting the intent of the requirement to have active ground floors that are visually connected to the pedestrian realm.

The requested relief from the ground floor clear height requirement can be granted as it is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not adversely affect the use of neighboring properties in accordance with zoning. The purpose and intent of the requirement is to have active ground floors that are visually connected to the pedestrian realm. This purpose and intent will still be achieved despite the requested relief since the relief is limited to only a small portion of the ground floor retail space at the southeast corner of the building. Furthermore, the substandard ceiling height for which the relief is needed is situated at the rear of the retail space, and thus is unlikely to have any impact on the visual connectivity between the public realm and the ground floor uses of the building that is intended by the clear ceiling height requirement. Since the requested relief is entirely within the building and does not impact the overall envelope of the building, the relief will have no adverse impacts on the use of neighboring property in accordance with zoning.

XIII. Requests for Design Flexibility

As part of the Application, the Applicant requests the following areas of minor design flexibility:

Building - Balconies / Building Projections: To vary the number, configuration, and general design and structural details of the balconies and projections to ensure compliance with applicable requirements of the 2017 District of Columbia Construction Codes (Title 12 of the District of Columbia Municipal Regulations) so long as the design of the balconies and façades remains substantially in conformance with the Approved Plans;

Building – Short-Term Rental Use: To devote up to 33% of residential dwelling units to short-term lodging use during the lease-up phase of the Project provided the short-term lodging use does not occupy any Inclusionary Zoning dwelling unit and does not reduce

the amount of gross floor area devoted to Inclusionary Zoning within the Project at any time.

Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;

Exterior Materials – Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order;

Landscape Materials: To vary the final selection of landscaping materials utilized based on availability at the time of construction.

Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order;

Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%);

Affordable Units: To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility granted, provided that the project complies with all applicable Inclusionary Zoning requirements under Subtitle C, Chapter 10, as modified by Subtitle K §§ 1001 and 1010;

Roof Elements To vary the roof plan as it relates to the green roof areas, solar panels, planters, terraces, pool, equipment, and outdoor amenity areas, provided that no relief is required;

Retail Frontages: To vary the final design of retail frontages of the building, including the location and design of entrances, show windows, signage, and size of retail units, in accordance with the needs of the retail tenants;

Signage: To vary the font, message, logo, and color of signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations;

Retail/Commercial Use Types: To vary the types of uses designated as “retail” or “commercial” on the approved Plans to allow any use that is permitted as a matter-of-right in the following use categories, and to allow any such use to count towards the NHR zone designated streets requirement of Subtitle K, Section 1004.2: Retail (11-B DCMR § 200.2(bb)); Services, General (11-B DCMR § 200.2(cc)); (Services, Financial (11-B DCMR § 200.2(dd)); Eating and Drinking Establishments (11- B DCMR § 200.2(i));

Animal Sales, Care, and Boarding (11-B DCMR § 200.2(c)); Daytime Care (11-B DCMR § 200.2(h)); Entertainment, Assembly, and Performing Arts (11-B DCMR § 200.2(m)); Medical Care (11-B DCMR § 200.2(o)); Education, Private (11-B DCMR § 200.2(k)); Education, Public (11-B DCMR § 200.2(l)); and Arts, Design, and Creation (11-B DCMR § 200.2(e));

Parking Layout: To make refinements to the approved vehicle and bicycle parking configuration, including layout and number of parking space plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;

Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division or the Public Space Committee; and

Sustainable Features: To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for the LEED standard specified by the order.

XIV. Conclusion

For the foregoing reasons, the Applicant believes the Project satisfies all applicable design review criteria under Subtitle K § 1005 and Subtitle X, Chapter 6, as well as satisfies all relevant standards and criteria for the requested special exception relief. As such, the Applicant requests the Commission to approve the Project. We look forward to presenting this application to the Commission at the public hearing on this matter and appreciate your time reviewing this application.

Respectfully,

/s/
Jefferey Utz