

**BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**APPLICATION FOR DESIGN REVIEW
IN THE
M AND SOUTH CAPITOL STREETS SUB-AREA**

**1100 SOUTH CAPITOL STREET, SE
SQUARE 698, LOTS 814 & 817**

July 29, 2022

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I. BACKGROUND

1100 SOUTH CAPITOL, LLC (the “Applicant”), hereby submits this application to the Zoning Commission of the District of Columbia (the “Zoning Commission”) for review and approval of a residential building (the “Building”) located at Lots 814 and 817 in Square 698 (together, the “Subject Property”). The Subject Property is zoned D-5 and is located in the M and South Capitol Streets Sub-Area.

This application is submitted pursuant to the design review provisions of Subtitle I, Section 616.8 and Subtitle I, Chapter 7 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The Subject Property is subject to design review by the Zoning Commission due to its location within the M and South Capitol Streets Sub-Area. *See* Subtitle I §§ 616 and 701.¹

A. The Subject Property

The Subject Property is located on the western portion of Square 698 and is bounded by L Street, SE to the north, a 15-foot public alley to the east, private property to the south, and South Capitol Street to the west. The Subject Property includes approximately 32,556 square feet of land area and is presently improved with a surface parking lot. As shown on the Zoning Map attached as Exhibit A, the Subject Property is zoned D-5.

As shown on the alley closing plat recorded in the Office of the Surveyor for the District of Columbia on June 8, 1988 (Exhibit B), portions of the public alley in Square 698 were closed pursuant to D.C. Law 7-65, effective January 28, 1988. As part of the alley closing, a non-exclusive surface easement was established on the east side of the Subject Property, to a height of 16 feet, to allow adequate space for vehicles serving adjacent properties (the “Alley Easement”). The Alley Easement extends for the majority of the Subject Property’s east frontage, and as described below, the Applicant will provide a five-foot setback for the remaining portion of the Subject Property’s east frontage to effectively extend the five-foot setback along the entire extent of the alley abutting the Subject Property.

The Subject Property also benefits from a light and air easement over the property immediately to its south (Lot 818) which prohibits any development over the first 20 of such property (the “Church Easement”). The primary purpose of the Church Easement is to allow for the windows shown on the southern façade of the proposed project at the Subject Property. The Church Easement also permits tie-backs under, and crane swings over, the area of the Church Easement. The area of the Church Easement is used as a parking lot for the St. Vincent de Paul Church.

¹ As set forth in Section II.D of this statement, the application is not subject to the design review flexibility or standards set forth in Subtitle X, Chapter 6. *See* Design Review Applicability at Subtitle X § 601.1, stating that “[*except for Subtitle I*, this chapter applies to any instance when the Zoning Regulations require Zoning Commission review of any building, structure, or use other than a campus plan” (emphasis added). However, the application is being filed in accordance with the Design Review application requirements of Subtitle Z § 301, including the notice requirements of Subtitle Z §§ 301.6-301.8. The application is being processed as a contested case pursuant to Subtitle Z § 201.2(a).

B. The Surrounding Neighborhood

The Subject Property is located in the Capitol Riverfront neighborhood of the District, which is a rapidly expanding area that encompasses Nationals Park, Audi Field, Yards Park, and the Navy Yard. The area is anchored by a wide variety of retail, service, and restaurant establishments, grocery stores, major new mixed-use apartment and condominium buildings, hotels, and diverse office tenants including the headquarters for the U.S. Department of Transportation.

Three other parcels located within Square 698 are directly adjacent to the Subject Property. To the immediate south of the Subject Property is property improved with the St. Vincent de Paul Church (Square 698, Lot 818). To the east, across the public alley, is a residential condominium building known as The Kennedy on L, which has frontage on L Street (Square 698, Lot 27). To the south of The Kennedy, at the intersection of M and Half Streets, is an office building known as 20 M Street (Square 698, Lot 32). Across South Capitol Street from the Subject Property is a largely vacant site that was approved by the Zoning Commission to be developed with a 130-foot tall mixed-use residential building pursuant to Z.C. Order No. 20-14, effective as of November 5, 2021.

The neighborhood is well served by public transit, including the green Metrorail line which serves the Navy Yard Metrorail station located directly across M Street, one-half block south of the Subject Property. A number of Metrobus routes also run through the neighborhood, including the P6, 612, 735, 850, EM-LP, D-300, 315, and V4 routes, all of which have bus stops located within 0.2 miles of the Subject Property, and four of which are located directly to the south of the Subject Property on M Street, SE. The Subject Property is located approximately three blocks south of the Southeast Freeway.

C. The Project

Overview. As shown on the Architectural Plans and Elevations attached as Exhibit C (the “Plans”), the Applicant proposes to develop the Subject Property as a residential building (the “Building”). The Building will include approximately 299,024 square feet of gross floor area (“GFA”) (approximately 9.18 floor area ratio (“FAR”)), comprised of approximately 248 residential units, plus or minus 10%. The maximum building height will be 130 feet measured from South Capitol Street, with upper-level setbacks starting at 110 feet fronting South Capitol Street. The penthouse will include residential amenity space and mechanical equipment and will have heights of 12 and 18 feet. The penthouse will be setback from all edges of the main roof in full compliance with Subtitle C, Chapter 15 of the Zoning Regulations.

Ground Floor and Pedestrian Access. The primary pedestrian entrance to the Building will be located on L Street near the intersection with South Capitol Street. Retail use is not required at the Subject Property and is not currently proposed. Instead, active residential amenity spaces will be provided along the Building’s South Capitol frontage. Should the demand for retail use increase in the future, the Applicant requests flexibility to replace the proposed ground floor residential amenity space with retail space, so long as doing so does not change the ground floor façade design other than to vary number and the location of ground floor entrances to comply with any applicable

District of Columbia laws and regulations or the needs of future retail tenants. The Applicant also requests flexibility to incorporate additional residential entrances on the South Capitol Street façade.

Vehicular Access, Parking, Loading, Alley Configuration, and Bicycle Parking. All vehicular access to the Subject Property will be taken from the public alley. Approximately 162 vehicular parking spaces, plus or minus 10%, will be provided in two-levels of a below-grade garage with access from the public alley. One loading berth, one 100 square foot platform, and one service/delivery space will be located on the ground floor, also accessed via the alley. Pepco vaults will be located at the northern end of the alley.

All existing curb cuts surrounding the Subject Property will be closed. As noted below, the effective width of the alley will be expanded from 15 to 20 feet by virtue of the Alley Easement on the east side of the Subject Property extending from L Street south to the southern edge of the east-west alley in the square. The Applicant will voluntarily set back the Building for the remaining portion of the Subject Property that is not subject to the Alley Easement, thereby creating a consistent width along the entire alley frontage. The setback will extend up the Building through the second floor, with a five-foot overhang of the Building above to create a covered walkway in the alley. Vertical clearance from the surface of the alley to the overhanging 3rd level will be approximately 23 feet at the north property line and 19 feet at the south property line due to the slope of the alley.

Long- and short-term bicycle parking will be provided in the amounts and in locations consistent with the Zoning Regulations. Interior bicycle storage rooms will be located on the ground level of the Building with access via the alley, as well as in the first below-grade level. Short-term exterior bicycle parking will be located on both L and South Capitol Streets.

Architectural Design. The Building will rise as an H-shaped structure, creating a court at grade facing west and a court at the third level facing east. The structure will be a 13-story brick and masonry-trimmed residential building that will grow out of the neighborhood's industrial past and will tie into the scale and character of the surrounding neighborhood, particularly the distinctive Romanesque revival St. Vincent de Paul church to the immediate south of the Subject Property. The design of the Building will include a two-story base featuring dark metal framed windows with buff masonry infill. At the third level, the windows will be gathered together with a fluted brick detail that aligns with the eave height of the adjacent church.

The primary South Capitol Street façade will include two primary wings flanking a central courtyard garden defined by a stacked screen wall and ivy-covered colonnade creating a distinctive frontage. Thoughtfully detailed brickwork with fluting will gather the windows at the third floor to create a continuous band that reads as the base for the main body of the façades. The façade will have a series of mid-scale elements including Juliet balconies and vertical window stacks which will allow for a more distinct street frontage on South Capitol Street. Windows will be accented with soldier-course brick headers and masonry sills. Outdoor terraces on the upper levels will also be provided.

On the north, west, and south facades, the Building will be accented with series of two and three-story grouped windows framed in dark metal as well as variety of paired smaller windows or larger picture windows with flanking sidelights. The north façade will feature a projecting room-sized masonry bay window highlighting the main entrance. The north facade also features a series of four vertical window groups distinguished by a dark masonry frame spanning from levels four through nine creating a syncopated rhythm along L Street.

Along L and South Capitol Streets, charcoal gray metal-and-glass storefronts, detailed with muntins and metal colonettes, will punctuate the façade. The Building's double entry doors will be set into a masonry portal opening, flanked by decorative lanterns and sheltered by a metal and glass canopy; these doors will be detailed with elegant metalwork unique to the Building. On the second floor, a continuous row of window pairs will match the muntins from the ground floor; and the brick-and-metal two-story expression of the podium will tie the Building into the scale of the adjacent church and neighboring residential buildings.

The south façade will have a more consistent set of windows and series of six-story grouped windows which will lend more verticality to the façade. The east façade along the alley will be clad in brick at the ground and second floors. The remainder of the alley façade will be stucco, with the east courtyard façades matching the material and character of the north, west, and south facades. At the top of the Building, the penthouse will be clad in dark masonry with decorative frames that surround oversized windows to provide a fitting terminus to the Building composition and to enrich the experience of the residents at the rooftop amenity spaces.

Courtyards and Rooftop. The ground level, west-facing court along South Capitol Street will be approximately 63 feet x 48 feet and will be separated from the sidewalk by a landscaped wall approximately 14 feet in height, with decorative metal grills. This landscaped amenity courtyard will be on axis with the L Street lobby and will provide a direct visual connection with the lobby entrance. The courtyard will include four garden "rooms" for passive use, each connected to an interior amenity space to provide an extension of the interior room. The garden "rooms" will be planted with birch and magnolia trees (or similar) and defined by layers of evergreen and perennial seasonal plantings. The courtyard will be for use by Building residents and their guests only.

The east-facing court along the alley will be approximately 63 feet x 38 feet and will be located at the third level of the Building. The courtyard will be planted with sedum and will not be accessible residents.

The roof will include outdoor terraces and amenity spaces for residents of the Building. The amenity terraces will be on two levels. The northern portion of the roof will have a dog run on its east side and an exterior exercise area connected to an interior fitness room on the west side. The southern portion of the roof will have a swimming pool and outdoor amenity space for building residents. The outdoor roof areas will be defined by a variety of native plantings, including trees, evergreen shrubs, grasses, and summer flowering perennials. All inaccessible roof areas will be planted with native sedum and grasses.

Streetscape Design. As required by Subtitle I § 616.7, the Building will be setback 15 feet from its property line along South Capitol Street. The setback area will be fully open to the public and will provide a planting bed at the base of the Building. This area will include an alley of American Elm trees and an understory planted with groundcovers on the street side, as well as grasses and evergreen shrubs along the Building face, providing year-round vegetative interest.

The public space along South Capitol Street, to the west of the 15-foot setback area, will include three linear tree planting strips at the curb and planting beds that define a 14-foot sidewalk. The planting strips will contain Willow Oak trees, grasses, and evergreens. Six-foot wide bands of cobblestones will fill the spaces between the tree planting strips. Bicycle racks will also be located in this area.

On the north side of the Building, L Street will be planted with Willow Oak trees in six-foot x 10-foot low impact development (“LID”) tree pits, also planted with grasses and evergreens. Similar to South Capitol Street, six-foot wide bands of cobblestones will fill the spaces between the LID tree pits and complete the buffer zone between the 21.5-foot sidewalk and the curb. Bicycle racks will also be located in this area.

Sustainable Design Features. The Applicant will incorporate a variety of sustainable design features into the Building, which will be designed to meet the standards of LEED-NC Gold under the v.4 LEED standard. A draft LEED checklist for the Building is included at Sheet A07 of the Plans. The Applicant will also provide electric-vehicle (“EV”) charging in the parking garage. Approximately 10% of the vehicle parking spaces will have EV charging stations at time of building delivery, with an additional 10% of the vehicle parking spaces constructed as “EV-ready” to allow for the installation of EV charging in the future.

Material specifications for the Building will focus on protecting interior air quality through low-emission products from manufacturers that disclose chemical components. Occupant health and comfort will be further emphasized through maximizing access to daylight, optimizing landscaping at the roof, ground, and courtyard levels, incorporating customizable lighting scene controls in public areas, offering convenient access to bicycle storage, and providing highly-filtered fresh air delivery.

The Applicant will also use best construction practices for development of the Building, including storm water and particulate pollution prevention, construction waste diversion, protection of indoor air quality during construction, and the installation of temporary LED lighting and high-efficiency heat. The Applicant will establish an enhanced commissioning scope to ensure correct installation and functionality of the energy-using systems prior to occupancy. After occupancy, green cleaning, pest management, and recycling protocols will contribute to the ongoing sustainability of the Building.

D. Project Flexibility

In addition, the Applicant requests the following design flexibility as it relates to the Building:

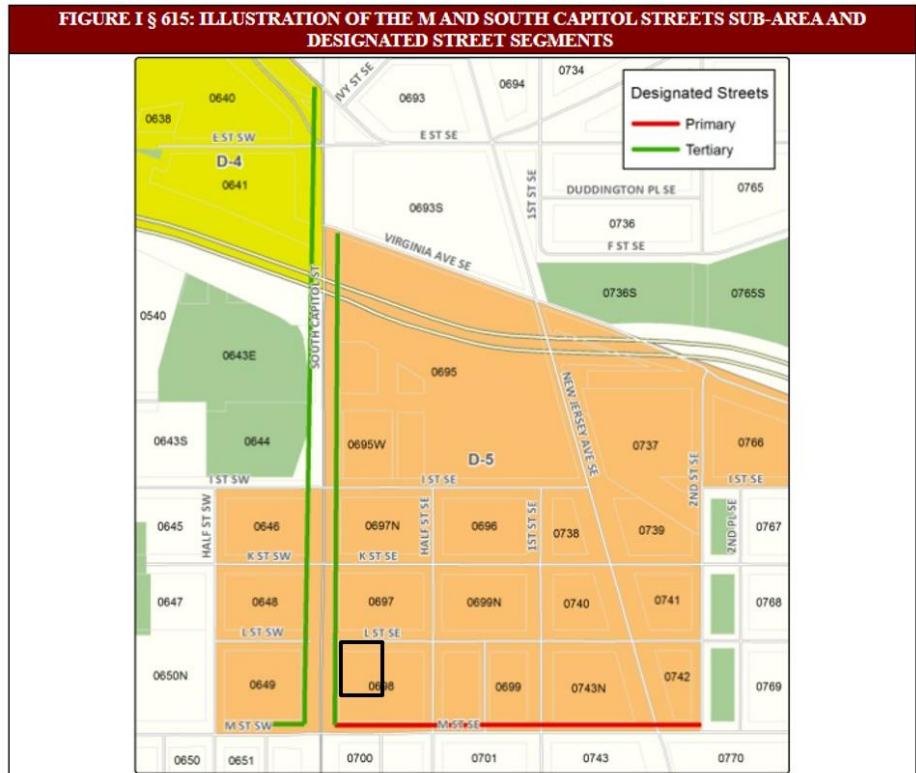
- a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the Building as shown on the plans approved by the Order;
- b. 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;
- c. 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, windows, and skylights;
- d. Ground Floor Uses: To replace the proposed ground-floor residential amenity space with retail space if retail demand along South Capitol Street increases in the future, so long as doing so does not materially impact the ground-floor façade design other than in compliance with the flexibility provided herein;
- e. Retail Entrances: If retail is provided, to locate retail entrances in accordance with the needs of retail tenants and to vary the facades as necessary;
- f. Retail Uses: If retail is provided, to vary the types of uses designated as retail use to include the following use categories (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)).\;
- g. Exterior Courtyards and Rooftop: To vary the configuration and layout of the exterior courtyards and rooftops, including the location and size of the rooftop pool, so long as the courtyards and rooftops continue to function in the manner proposed and the overall design intent, general locations for landscaping and hardscaping, and quality of materials are maintained;
- h. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus 10%;
- i. Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking spaces of plus or minus 10%;
- j. 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;

- k. Signage: To vary the font, message, logo, and color of the approved signage, provided that (i) digital and neon signage shall not be permitted on the exterior of the Building; (ii) the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order; and (iii) the signage is compliant with the D.C. signage regulations; and
- l. Sustainable Features: To vary the approved sustainable features of the Building, provided the total number of LEED points achievable for the Building does not decrease below the minimum required for the LEED standard specified by the Order.

II. DESIGN REVIEW APPROVAL

A. Design Review Requirements for the M and South Capitol Streets Sub-Area (Subtitle I, Chapter 6)

The objectives of the M and South Capitol Streets Sub-Area are to ensure the preservation of the historically important axial view of the Capitol Dome and further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood. Subtitle I § 616.1. The general location of the M and South Capitol Streets Sub-Area is the D-5 zoned property with frontage on either side of the designated tertiary street segment of South Capitol Street north of M Street, and the D-5 zoned property with frontage on the designated primary street segments on the north side of M Street, SE, between South Capitol Street and the Canal Blocks Park. See Subtitle I § 616.2 and Figure I § 615.



As shown on Figure I § 615 (above), the Subject Property is included in this designated area due to its location on the east side of South Capitol Street, SE, north of M Street, which is a designated tertiary street segment. See also Figure I § 603.1 showing South Capitol Street, SE as a designated tertiary street segment adjacent to the Subject Property.

1. Use Requirements for Properties on a Designated Tertiary Street Segment (South Capitol Street)

Pursuant to Subtitle I § 603.2, there are no use regulations specific to frontage on any designated tertiary street segment, with certain exceptions not applicable to the Subject Property. Instead, the uses for a building with frontage on a designated tertiary street segment are governed by the zone district in which they are located. *See* Subtitle I § 616.5. The proposed Building will contain residential use, potentially with retail and service uses located on the ground floor in the future. These uses are permitted as a matter-of-right in the D-5 zone.

2. Design Requirements for Properties on a Designated Tertiary Street Segment (South Capitol Street)

Pursuant to Subtitle I § 616.7, the streetwall of buildings on the eastern and western sides of South Capitol Street are required to be set back for their entire height and frontage not less than 15 feet from the property line adjacent to South Capitol Street. The goal of this setback requirement is to create an urban boulevard with a consistent view corridor that is 160-feet wide. As shown on Sheet A09 of the Plans, the Building is setback 15 feet from the property line for its entire South Capitol Street frontage and therefore complies with the standard of Subtitle I § 616.7 for properties located on South Capitol Street, SE.

The following requirements are also applicable to development of the Subject Property's South Capitol Street frontage:

11-I DCMR § 616.7(d) - Any portion of a building that exceeds 110 feet in height is required to provide an additional 1:1 setback from the building line along South Capitol Street.

As shown on Sheets A16 and A22 of the Plans, the Building is 130 feet in height and provides a 1:1 setback from the building line along South Capitol Street above 110 feet.

11-I DCMR § 616.7(e) - There shall be no openings in building frontages adjacent to South Capitol Street that provide entrances or exits for vehicular parking or loading

As shown on Sheets A09 and A15 of the Plans (among others), there are no openings in the Building adjacent to South Capitol Street that provide entrances or exits for parking or loading. All parking and loading access is provided from the public alley at the rear of the Subject Property.

11-I DCMR § 616.7(f) - A minimum of seventy-five percent (75%) of the street-wall on the east side of South Capitol Street shall be constructed on the setback line

As shown on Sheet A19 of the Plans, approximately 76.65% of the Building's streetwall along South Capitol Street is constructed on the setback line.

B. General Design Review Requirements for D Zones (Subtitle I, Chapter 7)

All proposed uses, buildings, and structures facing the street segments in the M and South Capitol Streets Sub-Area are subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7. *See* Subtitle I §§ 616.8, 701.1 and 701.2. The Subject Property is located on the tertiary street segment of South Capitol Street and is

therefore subject to the design review regulations. The Building complies with the design requirements as set forth below.

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

1. *Help achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6, in which it is located;*

The proposed Building complies with the objectives of the M and South Capitol Streets Sub-Area set forth in Subtitle I, Chapter 6. The objectives of this Sub-Area are to ensure the preservation of the historically important axial view of the Capitol Dome and further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood. *See* Subtitle I § 616.1. Consistent with these objectives, the Building preserves the important view of the Capitol Dome by providing setbacks at 110 feet as well as creating a consistent streetwall along South Capitol Street at the 15-foot setback line. *See* views facing the Capitol Dome included in the Plans.

In addition, the Building significantly advances South Capitol Street as a vibrant, high-density, and mixed-use corridor. The Building will transform an existing parking lot into a residential building that has been well-sited along South Capitol Street and includes active ground floor residential amenity spaces along the Subject Property's South Capitol Street frontage, which will improve the vibrancy of the streetscape. Large storefront windows will be provided at the ground level, and the adjacent streetscape will be improved with new paving, street trees, understory plantings, and pedestrian-scaled features including lighting and bicycle racks. The solid building base, high quality materials, large window openings, active ground floor uses, and significant streetscape improvements will encourage activity, improve safety, and enhance the pedestrian experience along South Capitol Street.

2. *Be in context with the surrounding neighborhood and street patterns;*

As shown in the Plans, the Building is contextual to the surrounding neighborhood and street patterns. A strong street wall with ground floor amenity space will be provided along South Capitol Street. The Building will include significant streetscape improvements, and all parking and loading will be taken from the public alley to minimize impacts on existing street patterns and surrounding uses.

In addition, the Building has been designed to respond to the different contexts, massing, and design aesthetics of the surrounding neighborhood, carefully

bridging the style of the neighboring St. Vincent de Paul church with the Navy Yard's industrial roots. For example, the Building's proposed tonal masonry façade and classical architectural details are in direct relation to the Romanesque Revival style of the church, designed by WF Wagner & Brothers and built in 1903. The Building's two-story base and fluted third story will tie in with the scale of the church, and the height of the central loggia roughly aligns with that of the church's eave. The church's belltower reaches the Building's 8th floor, at which point the expression of the Building's façade changes for the 9th floor and above.

The Building's design and massing will also feature details that evoke the Navy Yard's industrial past. Indeed, the Building's large grey metal storefronts and oversized windows with metal panel accents recall the factories that were historically located in the area. Metal cladding at the western corners and the penthouse level will continue this design motif.

The Building also respects the immediately surrounding buildings recently constructed and/or approved to be constructed along South Capitol Street, all of which have or will have a maximum height of 130 feet, with setbacks at 110 feet. The building to the immediate east of the Subject Property, across the public alley and fronting on L Street, was recently constructed at a height of 110 feet.

3. *Minimize conflict between vehicles and pedestrians;*

Vehicular and pedestrian conflicts will be minimized because all parking and loading access into the Subject Property will be provided from the public alley, rather than from L or South Capitol Streets. Loading has been specifically aligned within the building at the intersection of the 30-foot east-west alley to easily accommodate front-in and front-out truck movements. Thus, the design of the parking and loading facilities and the proposed circulation pattern will provide for the maximum amount of uninterrupted sidewalks, landscaping, and public spaces, and will ensure the greatest amount of pedestrian safety. Dedicated pick-up and drop-off spaces to accommodate rideshare services (e.g., uber, lyft) will be provided along L Street.

4. *Minimize unarticulated blank walls adjacent to public spaces through facade articulation;*

As shown on the Plans, the Building will include extensive façade articulation across both street-facing elevations and along the south elevation, which can be seen from M Street, SE. The superior building materials and articulation also wrap onto the alley façade to maintain high-quality views from L Street.

The ground floor will include clear inviting windows and extensive architectural expression. The Building will use high-quality materials,

including brick, masonry, and metal. Significant setbacks and outdoor courts and terraces will also be provided to increase visual interest and enhance the overall aesthetic of the Building within its context.

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

The Building will be designed to meet the standards of LEED Gold under the v.4 LEED standard. A draft LEED checklist for the Building is included at Sheet A07 of the Plans.

11-I DCMR § 701.2(b) - *With respect to a building or structure in a D zone that has frontage on South Capitol Street, SE or North Capitol Street south of M Street, NW:*

1. *The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of, respectively, South Capitol Street or North Capitol Street as monumental civic boulevards;*

The Building will incorporate massing, materials, and streetscaping that is sensitive to establishing South Capitol Street as a monumental civic boulevard. The Building will extend the existing development patterns along South Capitol Street to maintain the surrounding scale of development and create a consistent streetwall. Furthermore, the Building will have a solid base made of high quality materials, large storefront windows, active ground floor uses, and pedestrian-scaled features. Extensive landscaping and public space improvements will also be provided to enhance the pedestrian experience and aesthetic quality of South Capitol Street as an important urban boulevard.

2. *The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and*

The Building's massing is oriented towards South Capitol Street to recognize and respect the existing context of surrounding developments, including other 130 foot tall buildings along South Capitol Street and 110 foot tall buildings to the immediate east. Moreover, as stated previously, all parking and loading access and service areas are accessed from the public alley at the rear of the Subject Property to maximize safety for pedestrians and cyclists and minimize impacts on the surrounding residential neighborhood.

3. *The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome and other federal monumental buildings.*

Due to the 15-foot setback provided along South Capitol Street, the Building maintains open views and vistas towards the Capitol Dome. A view analysis is provided at Sheets A23 and A24 of the Plans.

Pursuant to Subtitle I § 701.3, the Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval. In this case, relief from the Zoning Regulations is not required and is not being requested. See also Subtitle X §§ 603.1, 603.3 and 603.4.

Pursuant to Subtitle I § 701.4, at the time of filing an application with the Zoning Commission, an applicant is required to pay the filing fees pursuant to Subtitle Z, Chapter 16, plus such fees as apply to any additional zoning relief requested. Submitted with this application is a filing fee in the amount of \$20,931.68, which represents the filing fee in accordance with Subtitle I § 701.4 and Subtitle Z, Chapter 16 for the Building.

C. Special Exception Standards (Subtitle X § 901.2)

Pursuant to Subtitle I § 701.2(a), new buildings or structures on a designated street segment within the M and South Capitol Streets Sub-Area must meet the special exception standards set forth in Subtitle X, Chapter 9. Accordingly, pursuant to Subtitle X § 901.2, the Commission must find that the Building will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

In this case, the Building will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Building meets all of the dimensional and use requirements for a site within the M and South Capitol Streets Sub-Area and also meets all of the development and use standards for the D-5 zone. Moreover, as described in Section II.B of this statement, the Building is fully consistent with the goals of the Sub-Area to preserve the axial view of the Capitol Dome and further the development of South Capitol Street as a vibrant, high-density and mixed-use corridor.

The Building also will not tend to affect adversely the use of neighboring property. The majority of developed properties in the immediate area along South Capitol Street are improved with 110 to 130-foot tall, high-density mixed-use buildings. Thus, the proposed height and density of the proposed Building will be consistent with the surrounding massing and neighborhood character and fully complies with the standards for the D-5 zone. The residential use proposed for the Building will also be fully consistent with the uses in the surrounding area, and the proposed ground floor design and landscaping will activate and reinvigorate the vibrancy of South Capitol Street as a walkable and pedestrian-friendly urban boulevard. Furthermore, providing vehicular access only from the public alley will minimize any potential conflicts between pedestrians and vehicles. Therefore, the Building will be fully consistent with existing development and will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

D. Inapplicability of Design Review Standards of Subtitle X, Chapter 6

As described above, the application is subject to (i) the M and South Capitol Street Sub-Area design review standards in Subtitle I § 616; (ii) the general design review standards for D zones in Subtitle I, Chapter 7; and (iii) the special exception criteria of Subtitle X § 901.2.

In addition to these three applicable standards of review, Subtitle X, Chapter 6 establishes standards of review for design review cases generally, which standards include an evaluation of how a proposed project is not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs. However, projects that are subject to design review due to their location with frontage on a designated street segment identified in Subtitle I are specifically exempted from the standards of Subtitle X, Chapter 6. *See* Subtitle X § 601.1, stating that “[e]xcept for Design Review required by Chapter 7 of Subtitle I, this chapter applies to any instance when the Zoning Regulations require Zoning Commission review of any building, structure, or use other than a campus plan. Such a review shall hereinafter be referred to as a ‘Mandatory Design Review’” (emphasis added). Therefore, the Applicant is not required to provide an analysis of the Building’s compliance with the standards set forth in Subtitle X, Chapter 6.

The Zoning Commission has consistently agreed with this interpretation. *See* Z.C. Order No. 20-14, which approved a design review application for property located in the M and South Capitol Streets sub-area and wherein the Zoning Commission concluded that “pursuant to Subtitle X § 601.1, an evaluation of the Project’s consistency with the [Southwest] Plan, or any part of the [Comprehensive Plan], is not required as part of the subject Design Review application (Conclusion of Law No. 15); “[t]he Commission concludes that the Applicant has no obligation to show the Project is consistent with the Comprehensive Plan, or other planning documents such as the [Southwest] Small Area Plan because the applicable design review regulations do not impose an obligation to show the application is consistent with the CP or other planning documents. The Zoning Commission has consistently determined that in a design review case its authority is limited to whether the applicant has met the design review standards specific to that property” (Conclusion of Law No. 8); “[t]he only provision in the Zoning Regulations that requires a showing that a design review application is not inconsistent with the Comprehensive Plan or other planning documents is found in Subtitle X, Chapter 6. It also provides that projects that are subject to design review due to their location with frontage on a designated street segment identified in Subtitle I, such as this one, are *specifically exempted* from the standards of Subtitle X, Chapter 6 (*see* Subtitle X § 601.1) (footnote no. 4). *See also* Z.C. Order Nos. 21-12, 19-23, and 17-25, wherein the Zoning Commission approved design review applications for properties within the M and South Capitol Streets sub-area and in doing so did not evaluate the standards of Subtitle X, Chapter 6.

III. NOTICE AND COMMUNITY ENGAGEMENT

Pursuant to Subtitle Z § 301.6, the Applicant served written notice of its intent to file the subject application on the affected Advisory Neighborhood Commission (“ANC”) 6D and on the owners of property within 200 feet of the Subject Property on May 31, 2022, which was more than 45 days prior to the filing of this application.

Since then, the Applicant has met with ANC 6D to review the Building and overall project. The Applicant first met with the Single Member District (“SMD”) representative (6D02) and the

ANC 6D chair on June 27, 2022, during which a variety of considerations and questions were raised, particularly related to unit mix, tenure, and affordability.

The Applicant subsequently presented the proposed Building and overall project at the ANC's regularly scheduled Administrative meeting on July 11, 2022, during which the Applicant responded to additional questions on unit mix and type, affordability, parking ratios, engagement with the owner of the property to the south, and the design and materiality of the Building.

The Applicant will continue to work with the ANC and surrounding community, including presenting at the ANC's regularly scheduled and duly noticed public meeting in September, 2022. The Applicant will provide an update on its engagement prior to the public hearing on this case.

IV. LIST OF EXHIBITS

<u>Exhibit A</u>	Portion of the Zoning Map showing the Subject Property
<u>Exhibit B</u>	Alley Closing Plat
<u>Exhibit C</u>	Architectural Plans and Elevations
<u>Exhibit D</u>	Surveyor's Plat
<u>Exhibit E</u>	Outlines of Witness Testimony
<u>Exhibit F</u>	Resumes of Expert Witnesses
<u>Exhibit G</u>	Certificate of Notice, Notice of Intent, and list of property owners within 200 feet of the Subject Property
<u>Exhibit H</u>	Form 100 – Application Signature Page
<u>Exhibit I</u>	Authorization Letter
<u>Exhibit J</u>	Updated 200 ft. Property Owner List ² and Radius Map

V. LIST OF WITNESSES

1. Representative of the Applicant
2. Dan Lobitz, Robert A.M. Stern Architects (RAMSA), architect for the project
3. Rick Parisi, MPFP, landscape architect for the project
4. William Zeid, Gorove/Slade Associates, transportation consultant for the project
5. Keith Amann, WSP, sustainability consultant for the project
6. Marcelo Lopez, Wiles Mensch, civil engineer for the project

² The 200 foot property owner list has been updated since the mailing of the NOI because the NOI also included property located Square 698, Lot 818, which is no longer part of the development site.

VI. CONCLUSION

For the reasons stated above, the application meets the design review standards for properties in the M and South Capitol Streets Sub-Area pursuant to Subtitle I §§ 616 and Chapter 7. Therefore, the Applicant respectfully requests that the Commission schedule a public hearing on the application at its earliest available date.