

APPLICATION ON BEHALF OF 2100 2ND STREET, SW LLC FOR REVIEW OF BUILDINGS AND STRUCTURES ON V STREET, 1ST STREET, AND 2ND STREET IN SQUARE 613



CG-5 REVIEW FOR RIVER FRONT DEVELOPMENT

I. Introduction

This application is submitted on behalf of 2100 2nd Street, SW LLC (the “**Applicant**”) for Zoning Commission review and approval of the adaptive renovation of an existing building on 1st, 2nd, and V Streets SW. The property that is the subject of this application is located on Lot 10 in Square 613 (the “**Property**”). The Property is comprised of approximately 115,479 square feet of land area and is located in the CG-5 Zone District.

The Property is the site of the old United States Coast Guard headquarters building. The Applicant is proposing to redevelop the existing office building into a mixed-use project consisting of residential and retail uses along the Anacostia River waterfront. The mix of uses, design, height, and density of the project are consistent with, and help further the goals of, the CG-5 Zone District. The proposed design anticipates that the surrounding streets will be raised to elevate the area out of the 100-year floodplain. The Applicant is working with District agencies and neighboring property owners with respect to this effort.

The Applicant submits this application pursuant to Subtitle K, Section 512 of the District of Columbia Zoning Regulations, which requires Zoning Commission review of properties located in the CG-5 Zone District. The Applicant also seeks variance relief from Subtitle C, Section 712.5 from the strict requirements regarding drive aisle width and from Subtitle C, Section 1501 and Subtitle K, Section 505.5 from the strict requirements of a penthouse height limit of 15 feet for mechanical space in the CG-5 Zone District.

The Property sits in a unique position to provide exciting retail for visitors to the Anacostia Waterfront and will become a significant link in the Anacostia Riverwalk trail, helping catalyze the revitalization of the Buzzard Point area. The Applicant seeks to create an environment that stands on its own as a genuine mixed-use environment that will attract those attending baseball games and soccer games, but also will provide the everyday amenities that will be important to the residents living there. Perhaps most importantly, this project will convert an underutilized building active uses that will contribute to the vibrancy of the Riverfront and complement the proposed DC United Soccer Stadium (“**Stadium**”).

II. Jurisdiction of the Zoning Commission

The Zoning Commission has jurisdiction to grant approval of the proposed development, and the requested variance relief pursuant to Subtitle K, Section 512 of the Zoning Regulations.

III. Capitol Gateway Zones

The Capitol Gateway zones were established in order to promote nine primary goals:

- a. Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;
- b. Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel uses;

- c. Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;
- d. Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;
- e. Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station;
- f. Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;
- g. Provide for the establishment of South Capitol Street between M Street, S.E., and the Anacostia waterfront as a monumental civic boulevard;
- h. Provide for the development of Half Street, S.E. as an active pedestrian oriented street with active ground floor uses and appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale; and
- i. Provide for the development of First Street, S.E. as an active pedestrian oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.

11-K DCMR 500.1

IV. **Description of Property**

The Property is the entire block bounded by 1st, 2nd, and V Streets, SW, and the Anacostia River. It is located approximately two blocks south of the Stadium and surrounding development (which was approved as Zoning Commission Case No. 16-02) and west of Capital City's Buzzard Point development (which is the subject of Zoning Commission Case No. 10-21A). The Navy Yard and the Waterfront Metrorail Stations are located approximately one mile north of the Property. Pictures of the Property and the surrounding area are included in Exhibit F.

V. **Description of Project**

The Applicant proposes to develop the Property with a mixed-use development that includes approximately 447,955 square feet of residential use and 70,441 square feet of retail use (the "**Project**").

The Project will adaptively reuse the existing building on the Property, redesigning the building to better suit a residential project and making the building design more dynamic (the "**Building**").

Retail, including restaurants, is proposed for all of the ground floor space in the Project (other than lobbies for the residential components). The Project will include upper-level residential uses and a penthouse with habitable space, including residential amenity space and residential units. The Project will also feature 372 below-grade parking spaces, 157 bicycle parking spaces, and separate loading facilities for the retail and residential uses.

Finally, the Project will include raising the Property and the surrounding streets to ensure that they are elevated above the 100-year floodplain. By raising the Property and the surrounding streets, the Project will provide greater stability for this area of Buzzard Point. The street raising is being coordinated with the District Department of Transportation (“DDOT”), the Department of Energy and the Environment (“DOEE”) and numerous other government agencies, as well as with the National Park Service (“NPS”), Capital City Partners, and Akridge/NEBF, which own the neighboring properties. The Applicant will continue working with these groups throughout the Project.

A. Retail Component

One of the primary goals of this Project is a highly animated and diverse retail environment designed to attract residents and visitors to the Project as well as provide neighborhood-serving retailers that will be convenient for those living here. The ground floor retail will include expected restaurant use along the waterfront and likely neighborhood serving retail along the Property’s V Street frontage. The Applicant is hoping to attract a grocery store to the Project to occupy one of the retail spaces along V Street. The spaces will have ceiling heights of approximately 21 feet, making them marketable to a wide range of urban retailers and contributing to a lively and active streetscape. Restaurants will have the opportunity to include outdoor dining to the south and east of the Building.

B. Residential Component

The residential component anchors the site and is thoughtfully planned with its future residents in mind. The upper floors of the building are designed to capture the views of the Anacostia River to the south and the planned Stadium to the north of the Property, as well as other monumental views in the vicinity of the Building. The rooftop is designed to provide a respite for the residents: complete with a pool and pool terrace, as well as a roof terrace facing the Anacostia River. The Building is designed with multiple courtyards as well to provide open spaces and views. In all, the residential building will provide spaces that appeal to a range of tenants and provide the opportunity for passive recreation.

The Building incorporates materials of the highest quality and a color palette that marks the Building as a location in a burgeoning neighborhood on the Anacostia River. The Building entrances will be located on V Street and on 1st and 2nd Street SW and all loading and parking for the Building will be accessed from 1st or 2nd Streets SW. There will also be restaurant entrances on the Building’s riverside frontage.

C. Zoning Parameters of the Project

The Project will have a floor area ratio (“FAR”) of 4.49, a maximum building height of 90 feet, and will provide approximately 372 vehicular parking spaces and approximately 157

bicycle parking spaces. More detailed Zoning tabulations are included in Exhibit F. The height and density of the existing building are grandfathered pursuant to 11-A DCMR § 202.

VI. The Applicant Satisfies the Burden of Proof for Zoning Commission Review of Buildings, Structures, and Uses in the CG-5 Zone District

Pursuant to Subtitle K, Section 512 of the Zoning Regulations, the Applicant must demonstrate that the application satisfies the specifically delineated requirements of the Capital Gateway (Section 512.3 for general Capital Gateway requirements and Section 512.4 for properties within the CG-5 Zone District). The Applicant must also satisfy the Design Review requirements set forth in Subtitle X, Section 604.

A. The Applicant Satisfies the Standards with Regard to Zoning Commission Review Under the CG-5 Design Review Regulations

The Applicant satisfies the Capital Gateway Design Review standards as follows.

1. The proposed building will achieve the objectives of the Capital Gateway as defined in Subtitle K, §500.1 (11-K DCMR § 512.3(a)).

The Project will achieve the objectives of the Capital Gateway zones that are set forth above. The Applicant is proposing a mixed-use development that will include a significant residential component and neighborhood-serving retail uses. The height and density of the building are appropriate for this area and are not inconsistent with its medium density residential and medium density commercial designation under the Comprehensive Plan. Further, the Project is reducing the existing mass of a building along the waterfront. While the existing building has an FAR of 6.0, the Applicant is reducing the Building's overall FAR to a 4.49. The revised Building is broken into multiple arms at the residential levels, creating a more attractive, open Project than currently exists. The Project adaptively reuses an existing building located prominently along the District's waterfront. The existing height and density of the building are appropriate for this area. Nevertheless, the proposed conversion to residential use will result in a significant reduction in the existing FAR on site.

Most importantly, the Project is designed to highlight the Anacostia Riverfront as an active, pedestrian-oriented area. The Applicant is proposing a mix of retail uses that will support and sustain the revitalization of Buzzard Point and serve its residents. The retail will serve both the residents of the community as well as attract individuals who are discovering the neighborhood for the first time while attending a game at the Stadium.

2. The proposed building will help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses (11-K DCMR § 512.3(b)).

This development will incorporate residential and retail uses, which is consistent with Sections 512.3(b) of Subtitle K. The entire development is devoted to these preferred uses. The approximately 485 residential units will include a mix of unit types (studios, junior one-

bedrooms, one- and two- bedrooms, with and without dens) that will accommodate a diverse resident base while the retail will be designed to accommodate entertainment and retail uses. Retail uses currently being contemplated include restaurants, a pharmacy, a grocer and a café. Retail and restaurants are intended to service the neighborhood and to attract patrons from a broader area to the Anacostia Riverfront.

3. The proposed building will be in context with the surrounding neighborhood and street patterns. (11-K DCMR § 512.3(c))

The Project is consistent with the medium density development encouraged at the waterfront. The Property is adjacent to similar proposed developments in the Buzzard Point area, making the Project's mixed use program complementary to future adjacent developments. The development will encourage pedestrian activity along V Street and the Anacostia Riverfront through the inclusion of ground floor retail, pedestrian pathways along the waterfront, and well-designed streetscape improvements. The development will serve effectively as a continuation of the Anacostia Riverwalk trail.

The design of the Project is meant to appropriately situate the Building along the waterfront and complement the proposed developments in the surrounding area. The Property comprises an entire city block adjacent to the water, and as such, will become a focal point for a revitalized, now largely vacant area.

Finally, despite the fact that the Applicant anticipates that the Property and surrounding streets will ultimately be raised, the existing street grid that serves the neighborhood will remain, keeping the current circulation pattern. Additionally, by raising the Property and the surrounding streets out of the 100-year floodplain, the Project will fit within the context of other Buzzard Point properties, many of which are not within this low-lying floodplain.

4. The proposed building will minimize conflict between vehicles and pedestrians. (11-K DCMR § 512.3(d))

The proposed design promotes a safe and efficient pedestrian experience, especially along 1st Street SW, which is expected to be a primary pedestrian corridors within the Capital Gateway. Ingress and egress to the garage will be from 2nd Street SW, with one ramp to access to the below-grade parking. Loading will be accessed from 1st and 2nd Streets. The curb cuts will be located to provide easy access to retail corridors and trash areas. There are three loading areas due to the mix of uses in the building. One loading area serves the south-side retail facing the water, where restaurants are anticipated to locate. The retailers expected on the northern side of the building will also have their own loading, due to the need to separate retail and restaurant loading and trash storage. Both retail loading berths are accessed from 2nd Street SW. Finally, residential loading is located off of 1st Street SW to provide loading access for residents to accommodate expected move-in/move-out levels. With only one vehicular access point on 1st Street NW, which is the expected pedestrian route, the Project minimizes conflicts between vehicles and pedestrians.

5. The proposed building will minimize unarticulated blank walls adjacent to public spaces through facade articulation. (11-K DCMR § 512.3(e))

The elevations and renderings attached as Exhibit F depict the proposed Building facades. The proposed Building facades are highly articulated and differentiated on each elevation, thus minimizing unarticulated blank walls adjacent to public spaces. The façade articulation is accomplished through the use of high-quality building materials and display windows along the ground floor, with a floor-to-ceiling retail height of approximately 21 feet. The unique shape of the Building also presents multiple opportunities for highly differentiated façade designs, and the proposed facades meet the objectives of the Capital Gateway area to enliven the streetscape with articulated facades.

6. The proposed building will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards. (11-K DCMR § 512.3(f))

The Building has been designed to meet LEED Silver certification standards for new construction. Some of the key “green” features include adaptive reuse of an existing structure, green roof for stormwater control, urban vegetation, and heat island reduction, sustainable construction materials and recycling of construction waste, green vehicle parking (carpool programs and electric vehicle charging stations), and a Variable Refrigerant Flow mechanical system.

7. The building or structure shall provide suitably designed public open space along the waterfront. (11-K DCMR § 512.4(a))

The proposed building design encourages pedestrian activity the Anacostia Riverfront. This is achieved through building articulation, as demonstrated by the plans attached as Exhibit E; thoughtfully landscaped spaces on the river-side of the Building; the continuation of the Anacostia Riverwalk trail at the Property; and public waterfront activity along the Anacostia River.

The Riverwalk was designed with the Office of Planning’s design guidelines in mind. The Applicant is providing a twelve-foot wide “active trail” that will be inviting to bicyclists, joggers, and other active uses, as well as a twelve-foot wide "passive trail" that will encourage pedestrians to engage with the water. Between these two trails, a 35-foot wide landscape buffer will include shade trees, planted areas, and a variety of seating types. The Riverwalk will evoke the natural Anacostia River landscape, and will include a rich planting palette of native trees, shrubs, and groundcovers that will thrive in this riparian environment. The landscaping materials will have been coordinated with neighboring projects to provide consistency along the waterfront.

8. The plans for the project include suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and assure private maintenance of the space,

convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront. (11-K DCMR §512.4(b))

The primary pedestrian pathway will be along 1st Street, which is an important link between the Stadium and the Anacostia Riverfront. The ground floor retail provided along 1st Street will make for an interactive and exciting pedestrian experience for residents of the Building, visitors to the waterfront, and customers of the retail uses. Additionally, the landscaping, lighting, the transparent display glass of the ground floor retail, and overall increased activity will enhance the pedestrian safety. Finally, the continuation of the Anacostia Riverwalk trail at the Property will highlight the public's ability to access the waterfront and continue down the trail.

The primary bicycle pathway will be along 2nd Street, which will also connect to the Riverwalk Trail's bicycle path. The ground floor retail along 2nd Street will also provide an interactive experience for cyclists. The 2nd Street Cycle Track will provide a vital link from the Stadium to the Anacostia River and help prevent conflicts between pedestrians and cyclists. Finally, by linking the bicycle path to the Anacostia Riverwalk, cyclists will be able to connect from the city to the trail seamlessly.

9. The application includes a view analysis that assesses openness of waterfront views and vistas around, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglass Bridge. (11-K DCMR §512.4(c))

As depicted in Exhibit F, the Project adaptively reuses an existing building and will not only maximize enjoyment of these views but will enhance them. Importantly, the Project does not detract from view of the Capitol, other federal monumental buildings, the waterfront, or the Stadium. Rather, the superior design of the Project will provide a favorable view for tenants and residents of neighboring buildings, and visitors to the Buzzard Point area.

B. The Applicant Satisfies the Standards with Regard to Zoning Commission Design Review Under the Design Review Regulations

The Applicant satisfies the general Design Review standards as follows.

1. The Proposed Project Will Not Be Inconsistent with the Comprehensive Plan. (11-X DCMR § 604.5)

The purposes of the Comprehensive Plan are to a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; b) guide executive and legislative decisions and matters affecting the District and its citizens; c) promote economic growth in jobs for District residents; d) guide private and public development in order to achieve District and community goals; e) maintain and enhance the natural and architectural assets of the District; and f) assist in conservation, stabilization and improvement of each neighborhood and community in the District (DC Code Section 1-245(b)).

The Project advances these purposes by furthering the social and economic development of the District through the construction of new residential units on underutilized land and providing new retail opportunities on the Anacostia Waterfront. The development will also provide a number of beautifully landscaped spaces that will be privately owned but open to the general public.

a. Land Use Map

The Future Land Use Map designates the Property as appropriate for medium density residential and medium density commercial uses. The proposed development, with an overall FAR of 4.4 and an existing height of 90 feet for the mixed-use project is consistent with this designation. As noted in the designation, greater heights are appropriate when surrounded by open spaces.

b. Land Use Element

The Plan cites the importance of transit-oriented developments and the importance of mixed-use development on large sites. The Project is consistent with the following:

Policy LU-1.1.5: Urban Mixed Use Neighborhoods: Encourage new central city mixed use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the following areas:

- Mount Vernon Triangle
- North of Massachusetts Avenue (NoMA)
- Downtown East
- South Capitol Street corridor/Stadium area
- Near Southeast/Navy Yard

The location of these areas is shown in the Central Washington and Lower Anacostia Waterfront/Near Southwest Area Elements. Land use regulations and design standards for these areas should ensure that they are developed as attractive pedestrian-oriented neighborhoods, with high-quality architecture and public spaces. Housing, including affordable housing, is particularly encouraged and should be a vital component of the future land use mix.

Policy LU-1.2.8: Large Sites and the Waterfront: Use the redevelopment of large sites to achieve related urban design, open space, environmental, and economic development objectives along the Anacostia Waterfront. Large waterfront sites should be used for water-focused recreation, housing, commercial, and cultural development, with activities that are accessible to both sides of the river. Large sites should further be used to enhance the physical and environmental quality of the river.

Policy LU-2.4.5: Encouraging Nodal Development: Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

Policy LU-2.4.10: Use of Public Space within Commercial Centers: Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Where feasible, the development of outdoor sidewalks cafes, flower stands, and similar uses which “animate” the street should be encouraged. Conversely, the enclosure of outdoor sidewalk space with permanent structures should generally be discouraged.

The Project will vitalize an underutilized parcel of land along the Anacostia waterfront and make it accessible to the general public through a mixed-use Project incorporating residential and retail uses. The Project also maximizes its location near other planned developments to bolster the planned waterfront development, continuing the public access to the Anacostia. The site circulation and Project design promote and enable pedestrians’ ability to appreciate the natural beauty of the Property.

c. Transportation Element

The proposed development is consistent with several transportation policies:

Policy T-1.1.4: Transit-Oriented Development: Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.

Policy T-1.2.3: Discouraging Auto-Oriented Uses: Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.

Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning: Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks.

Policy T-2.3.2: Bicycle Network: Provide and maintain a safe, direct, and comprehensive bicycle network connecting neighborhoods, employment locations, public facilities, transit stations, parks and other key destinations. Eliminate system gaps to provide continuous bicycle facilities.

Policy T-2.4.1: Pedestrian Network: Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city.

Policy T-2.4.2: Pedestrian Safety: Improve safety and security at key pedestrian nodes throughout the city. Use a variety of techniques to improve pedestrian safety, including textured or clearly marked and raised pedestrian crossings, pedestrian-actuated signal push buttons, and pedestrian count-down signals.

The Plan promotes strengthening the link between land use and transportation as new development occurs and that is precisely what this Project does. The Applicant is currently

working with developers of the other properties in Buzzard Point to increase transportation options in the area, including exploring the potential for WMATA to extend an existing bus line and the potential for providing a water taxi to serve the area. The Project design also encourages bicycling and walking, as it incorporates a network of pedestrian and bicycle pathways throughout the grounds. Altogether, the Project encourages modes of transportation by providing the infrastructure for walking, biking and using public transportation. The revised curb cuts reduce the potential for conflicts between cars and people.

d. Environmental Protection Element

The Project promotes several goals of the Environmental Protection Element:

Policy E-1.1.3: Landscaping: Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.

Policy E-1.2.1: River Conservation: Improve environmental conditions along the Anacostia River and other water bodies, including shorelines, wetlands, islands, tributaries, and the rivers themselves. Particular attention should be given to eliminating toxic sediments, improving river edges to restore vegetation and reduce erosion, enhancing wetlands and wildlife habitat, creating new wetlands, and reducing litter.

Policy E-3.1.1: Maximizing Permeable Surfaces: Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.

Policy E-4.2.3: Control of Urban Runoff: Continue to implement water pollution control and “best management practice” measures aimed at slowing urban runoff and reducing pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands.

Policy E-4.2.3: Control of Urban Runoff: Continue to implement water pollution control and “best management practice” measures aimed at slowing urban runoff and reducing pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands.

The Property’s location next to the Anacostia River makes it attractive for residential living as well as outdoor recreation; however, it also requires the Applicant to minimize impacts of the Project on the River. The Project incorporates landscaping that not only provides aesthetic benefits, but it provides environmental benefits as well. Permeable hardscape, green roofs, and stormwater planters at the Riverwalk will minimize urban runoff into the Anacostia and help reduce groundwater contamination at this site. Other environmental benefits include investment in pedestrian and bicycle infrastructure to reduce vehicle trips, installation of shade trees and high-albedo hardscape materials to reduce the urban heat island effect, and use of environmentally sustainable materials whenever possible.

e. Urban Design Element

The Project furthers several of the goals of the urban design element:

Policy UD-1.2.1: Respecting Natural Features in Development: Respect and perpetuate the natural features of Washington’s landscape. In low-density, wooded or hilly areas, new construction should preserve natural features rather than altering them to accommodate development. Density in such areas should be limited and setbacks should be provided as needed to protect natural features such as streams and wetlands. Where appropriate, clustering of development should be considered as a way to protect natural resources.

Policy UD-1.2.4: View Protection: Recognize and protect major views in the city, particularly characteristic views of city landmarks, and views from important vantage points. Recognize the importance of views to the quality of life in the city and the identity of Washington and its neighborhoods.

Policy UD-1.3.1: DC as a Waterfront City: Strengthen Washington’s civic identity as a waterfront city by promoting investment along the Anacostia River, creating new water-related parks, improving public access to and along the shoreline, and improving the physical and visual connections between the waterfront and adjacent neighborhoods.

Policy UD-1.3.2: Waterfront Public Space and Access: Develop public gathering spaces along the waterfronts, including promenades, viewpoints, boating and swimming facilities, and parks. Such space should be designed to promote continuous public access along the rivers, and to take full advantage of site topography and waterfront views. Design treatments should vary from “hardscape” plazas in urban settings to softer, more passive open spaces that are more natural in character.

Policy UD-1.3.3: Excellence in Waterfront Design: Require a high standard of design for all waterfront projects, with an emphasis on shoreline access, integration of historic features and structures, an orientation toward the water, and the creation of new water-oriented public amenities.

Policy UD-1.3.4: Design Character of Waterfront Sites: Ensure that the design of each waterfront site responds to its unique natural qualities. A range of building forms should be created, responding to the range of physical conditions present. New buildings should be carefully designed to consider their appearance from multiple vantage points, both in the site vicinity and at various points on the horizon.

Policy UD-1.3.6: “Activating” Waterfront Spaces: Encourage design approaches, densities, and mixes of land uses that enliven waterfront sites. Architectural and public space design should be conducive to pedestrian activity, provide a sense of safety, create visual interest, and draw people to the water.

Policy UD-1.3.7: Neighborhood Connectivity: Improve the physical connections between neighborhoods and nearby waterfronts. Where feasible, extend the existing city grid into large waterfront sites to better connect nearby developed areas to the shoreline

Policy UD-1.4.1: Avenues/Boulevards and Urban Form: Use Washington’s major avenues/boulevards as a way to reinforce the form and identity of the city, connect its

neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/ boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city.

Policy UD-1.4.2: City Gateways: Create more distinctive and memorable gateways at points of entry to the city, and points of entry to individual neighborhoods and neighborhood centers. Gateways should provide a sense of transition and arrival, and should be designed to make a strong and positive visual impact.

Policy UD-1.4.3: Avenue/Boulevard Vistas and View Corridors: Protect views and view corridors along avenues/boulevards, particularly along streets that terminate at important civic monuments or that frame distant landmarks. Vistas along such streets should be accentuated by creating more well-defined street walls, improving landscaping, and requiring the highest architectural quality as development takes place.

Policy UD-3.1.8: Neighborhood Public Space: Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the “activation” of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas.

The Project maximizes the views from every perspective: it focuses attention on the waterfront with high retail ceilings and glass walls, guides pedestrians through passive controls to the waterfront, and frames views of the Anacostia River through the Building’s design. The Project design acknowledges and accepts the importance of site location. The Building design must relate to a number of landmarks – the historic grandeur of the Capitol building, the prominence of the Stadium, and the natural beauty of the Anacostia River. The Project design successfully creates a sense of place for the development, while incorporating the neighboring resources. For instance, the setback from the Anacostia River provides ample area for passive and active recreation for visitors and residents, as well as sufficient space for landscaping and a network for pedestrian and bicycle pathways; the building’s height and profile fit within the context of the developing Buzzard Point neighborhood; and the landscaping of the public spaces adjacent to the water encourages them to view and enjoy the Anacostia waterfront.

f. Housing Element

The Project is providing residential housing and is consistent with the Housing Element.

Policy H-1.1.1: Private Sector Support: Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

Policy H-1.1.4: Mixed Use Development: Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.

The Project is providing 477,955 square feet of residential housing on a site that currently provides no housing. The Building will be of a high quality design and will incorporate high

quality materials. The provision of residential units at this site is significant given its history and the District’s objective of introducing new residents to the Buzzard Point community.

g. Area Element

The Comprehensive Plan also contains ten area elements. The Property is located in the “Lower Anacostia Waterfront and Near Southwest” Area Element. The Project is consistent with the following goals of the Area Element:

Policy AW-1.1.2: New Waterfront Neighborhoods: Create new mixed use neighborhoods on vacant or underutilized waterfront lands, particularly on large contiguous publicly-owned waterfront sites. Within the Lower Anacostia Waterfront/Near Southwest Planning Area, new neighborhoods should be developed at the Southwest Waterfront, Buzzard Point, Poplar Point, Southeast Federal Center and Carrollsburg areas. These neighborhoods should be linked to new neighborhoods upriver at Reservation 13, Poplar Point, and Kenilworth-Parkside. A substantial amount of new housing and commercial space should be developed in these areas, reaching households of all incomes, types, sizes, and needs.

Policy AW-1.1.4: Waterfront Development Amenities: Leverage new development in the Waterfront Planning area to create amenities and benefits that serve existing and new residents. These amenities should include parks, job training and educational opportunities, new community services, and transportation and infrastructure improvements.

Policy AW-1.1.6: Pedestrian Orientation of Waterfront Uses: Provide a high level of pedestrian amenities along the shoreline, including informational and interpretive signs, benches and street furniture, and public art.

Policy AW-2.2.7: Buzzard Point: Support the long-term redevelopment of Buzzard Point with mixed medium- to high-density commercial and residential uses. Recognize the opportunity for innovative design and architecture in this area, and for the creation of a unique urban waterfront.

The Project is converting an underutilized, office building, into a 518,396 square feet mixed use building. The Project will introduce new residents to the District and existing residents to a new part of town. Altogether, the Project will highlight many of the City’s resources that have not been accessible to the public until recently. The Project will leverage the beauty of the natural environment and the entertainment provided by the Stadium in attracting individuals to the Property and the lower Anacostia River area. The retail uses and riverfront access will complement the existing uses in the vicinity of the site and connect the Project to those uses. In all, the Project harnesses and promotes the attributes of the waterfront community.

2. **Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (1) Multiple pedestrian entrances for large developments; (2) Direct driveway or garage access to the street is discouraged; (3) Commercial ground floors contain active uses with clear, inviting windows; (4) Blank facades are prevented or minimized; and (5) Wide sidewalks are provided. (11-X DCMR § 604.7(a))**

The Property fronts on V, 1st, and 2nd Streets SW. All of the street frontages and streetscapes have been designed to be pedestrian-friendly. Additionally, the river frontage of the Property includes an extension of the Anacostia Riverwalk trail, which will be geared toward pedestrians and cyclists. The Building includes multiple pedestrian entrances for the residential and retail components, retail windows on the ground floor of the Building that are open and inviting, and the Building has no blank facades.

Finally, the Applicant anticipates working with the District and surrounding property owners to raise the streets surrounding the Property to remove the area from the 100-year floodplain. By raising the streets, the Project interact in a friendlier way with its surroundings and ease circulation in the area. Raising the streets gets the Property out of the 100-year floodplain and puts the retail and restaurants at street level. This creates an interactive, safe pedestrian environment, promoting activity in this area of Buzzard Point.

- 3. Public gathering spaces and open spaces are encouraged, especially in the following situations: (1) Where neighborhood open space is lacking; (2) Near transit stations or hubs; and (3) When they can enhance existing parks and the waterfront. (11-X DCMR § 604.7(b))**

The Project includes public gathering space along the Anacostia River to provide public access to the waterfront and an extension of the Anacostia Riverwalk trail.

- 4. New development respects the historic character of Washington's neighborhoods, including: (1) Developments near the District's major boulevards and public spaces should reinforce the existing urban form; (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places. (11-X DCMR § 604.7(c))**

The Project does not affect the historic character of Washington's neighborhood, and it protects the vistas both across the Anacostia River and north of the Property facing the Capitol.

- 5. Buildings strive for attractive and inspired façade design, including: (1) Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and (2) Incorporate contextual and quality building materials and fenestration. (11-X DCMR § 604.7(d))**

As shown in the plans attached as Exhibit F, all sides of the building are designed with appropriate facades that represent the riverfront location of the Property, provide pedestrian-oriented street-frontage designs in the retail areas, and use quality building materials. Additionally, with the proposed street-raising, the Project will meet the streetscape at grade, providing for an interactive pedestrian experience.

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

The Project includes sustainable landscaping, including landscaping along the Anacostia River, that create a cohesive site that showcases the natural beauty of the waterfront. The landscaping also includes sustainable elements such as permeable paving, high-albedo hardscape materials, native plants, and stormwater planters.

7. Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including: (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit; (2) The development incorporates transit and bicycle facilities and amenities; (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly; (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront. (11-X DCMR § 604.7(f))

The Project is designed to facilitate connectivity not only through the site but to the surrounding community. The Project includes streetscape improvements to V, 1st, and 2nd Streets, SW, to enhance the pedestrian experience at the Property. The Project also includes significant improvements to the riverfront area, including the extension of the Anacostia Riverwalk trail across the Property. This Project will create a pedestrian destination for visitors to the Anacostia River, the Stadium, and the general Buzzard Point area.

C. The Applicant Satisfies the Special Exception Requirements with Regarding to Zoning Commission Review

Pursuant to 11-X DCMR Section 604.6, the Zoning Commission must find the Project meets the general special exception requirements of the Zoning Regulations. The Applicant meets these requirements as follows.

1. The Proposed Design Is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

There is a two-pronged test to justify the request for special exception relief. An applicant must demonstrate that the project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and that it will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. As made clear in the above discussions, the Project is consistent with the Zoning Regulations and Zoning Map applicable to the Property.

2. The Proposed Building Will Not Affect Adversely the Use of Neighboring Property in Accordance with the Zoning Regulations and Zoning Map

The property to the east of the proposed Building is the subject of Case No. 10-21A which proposes the adaptive reuse of an existing building of similar height and density. It will include residential and retail uses. The DC United Stadium project to the north of the site is will include a variety of uses, including the Stadium. The Project is in keeping with the scale of density and height of the surrounding buildings and fits appropriately into that context. Further, the Project will actually reduce the density envelope of the existing building. The Building will not affect adversely these neighboring properties, but will work in concert with them to create a more dynamic community on the Anacostia Waterfront.

The property to the west of the proposed building is owned by the National Park Service (“NPS”). The Applicant is working with NPS to coordinate important connections and continuation of important landscaping concepts, and the Applicant will continue working with NPS regarding the Project throughout the approval process.

VII. The Applicant Satisfies the Requirements For Variance Relief

The Applicant seeks variance relief pursuant to (1) 11-C DCMR Section 712 from the drive-aisle width requirements, and (2) 11-C DCMR Section 1501 and 11-K DCMR Section 505.5 from the penthouse height requirements. Section 712.5 of Subtitle C requires the Applicant to drive aisle widths of 20 feet for two way traffic; Section 505.5 of Subtitle K and Section 1501.1 of Subtitle C limits penthouse height to 12 feet for habitable space and 15 feet for mechanical space in the CG-5 Zone District. In order to satisfy the standards for area variance relief, the Applicant must satisfy a three-part test:

- (1) the property must be subject to an extraordinary or exceptional situation or condition;
- (2) a practical difficulty will result if the applicant is required to satisfy the strict application of the Zoning Regulations; and
- (3) no harm to the public or to the zone plan will occur as a result of the approval of the variance application.

See Gilmartin v. District of Columbia Bd. of Zoning Adjustment, 579 A.2d 1164, 1167 (D.C. 1990). As detailed below, the Applicant meets this test.

1. An Extraordinary Or Exceptional Situation Or Condition Is Inherent To The Property

The D.C. Court of Appeals held in Clerics of St. Viator v. D.C. Board of Zoning Adjustment, 320 A.2d 291 (D.C. 1974) that the exceptional situation or condition standard goes to the “property”, not just the “land”; and that “...property generally includes the permanent structures existing on the land [footnote omitted].” *Id.* at 293-294. The Court held that the exceptional situation standard of the variance test may be met where the required hardship inheres in the land, or the property (i.e., the building on the land).

There are a number of unique conditions affecting the Property. Primarily, the Property, formerly an office building leased to the United States Coast Guard for its headquarters, will be

adaptively reused. The existing building already has a specific height, structural, and internal configuration. Specifically, the structural columns and elevator shafts at the Property already exist; therefore, the Applicant is limited in the ability to redesign certain elements of the Project. This is complicated by the requirements imposed by the Capital Gateway zones. Given the Building's location along the Anacostia River, there are numerous design implications that the Applicant has incorporated into its proposal. Therefore, based on the site location and the existing building, the Property is subject to an extraordinary situation.

2. A Practical Difficulty Exists in Satisfying The Strict Application Of The Requirements Of The Zoning Regulations

The DC Court of Appeals defined "practical difficulty" in Palmer v. D.C. Bd. of Zoning Adjustment, 287 A. 2d 535, 542 (D.C. 1972) as the following: "generally it must be shown that compliance with the area restriction would be unnecessarily burdensome. [Footnote omitted.] The nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." In area variances, applicants are not required to show "undue hardship" but must satisfy only "the lower 'practical difficulty' standards." Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1365 (D.C. 1992), citing Gilmartin v. D.C. Bd. of Zoning Adjustment, 579 A.2d 1164, 1170 (D.C. 1990). Finally, it is well settled that the BZA may consider "... a wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty'". Gilmartin, 579 A.2d at 1171, citing Barbour v. D.C. Bd. of Zoning Adjustment, 358 A. 2d 326, 327 (D.C. 1976). See also, Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1367 (D.C. 1992). Thus, to demonstrate practical difficulty, the Applicant must show that strict compliance with the regulations is burdensome, not impossible. The Applicant, as demonstrated below, meets this standard.

a. Drive Aisle

Section 712.5 of Subtitle C of the Zoning Regulations requires the Project to provide a drive aisle at least 20 feet wide for two-way traffic. However, the proposed Project will only have a drive aisle of 18.33 feet in the below-grade parking facility. Because the Applicant is reusing the existing building on the Property, the Project is limited to the existing structural columns in the parking facility. The columns necessitate a drive aisle no wider than 18.33 feet, and therefore the Applicant is unable to provide a drive aisle in compliance with the minimum width. Given that the Project involves adaptive reuse of the existing structure, it would not be feasible to move the structural columns to provide a wider drive aisle.

The Applicant has retained Wells + Associates to prepare a traffic impact study. This study will address the sufficiency of the loading facilities that are provided in the Project.

b. Penthouse Height

11-C DCMR Section 1501.1 and 11-K DCMR Section 505.5 requires that a penthouse for mechanical space in the CG-5 Zone District be no taller than 15 feet. The Applicant proposes elevator override penthouses on the roof of the Building with a height of 18.5 feet, as well as stair pressurization fans at 16 feet and trash chute exhaust at 15.5 feet. Numerous contractors the Applicant has contacted have advised that it would not be possible to provide an elevator

override at less than 18.5 feet to service the roof of the Building. The elevator overrides are required to provide building-code compliance access to the penthouse. Additionally, the stair pressurization fans are of standard industry size and the trash chute location requires it to raise ½ a foot above the height limit. To require the lower height would prevent use of the penthouse at the Property, severely limiting one of the greatest amenities of the Project – the beautiful vistas from atop of the Building.

3. No Harm To The Public Good Or To The Zoning Plan Will Occur As A Result Of The Approval Of The Variance Application

Relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zone Plan. As discussed significantly above, the Project furthers many of the goals and objectives of the Zoning Regulations and Zoning Maps, and the Project will not harm neighboring properties or the District generally.

The slightly reduced drive aisle width will not have a significant impact on the circulation within the parking facility at the site. The 18.3-foot drive aisles will provide sufficient maneuvering spaces for cars in the below-grade parking facility. Finally, the drive aisle width will not have an impact on the adjacent properties or streets.

Additionally, the Applicant’s request for relief from the penthouse height requirements will not be detrimental to the public good. The limited space the elevator overrides, the fans, and the exhaust occupies will not create a large roof structure – rather, these spaces will be limited in size and set back at the required 1:1 ratio from the roof edge. Therefore, the penthouse mechanical heights will not affect views of the area. Finally, the elevator overrides serve the good of the Zoning Plan by providing an activated rooftop providing scenic views of the natural beauty and monumental views at the Property.

VIII. Exhibits

The following exhibits are attached to this submission:

Exhibit A: Application Form

Exhibit B: Agent Authorization Letter

Exhibit C: Property Owner List

Exhibit D: Certificate of Notice

Exhibit E: Office of the Surveyor Plat

Exhibit F: Architectural Plans/Sections/Elevations and Photographs of the Property/View Analyses

IX. Conclusion

For the foregoing reasons, the Applicant asks that the Commission approve this development per the CG-5 Zone District requirements. It also asks that the Commission approve its request for variance relief from the drive aisle width and penthouse height requirements. We look forward to presenting this application to the Commission at the public hearing on this matter.

Respectfully,


Christine A. Roddy


Meghan Hottel-Cox