

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

Z.C. CASE NO. 20-14

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

SQUARE 649, LOTS 43, 44, 45 & 48

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I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of VNO South Capitol LLC and Three Lots in Square 649 LLC (together, the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) for design review under the M and South Capitol Streets Sub-Area for property located at 5 M Street, SW (Square 649, Lots 43, 44, 45, and 48¹) (the “Property”). The application was 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”).

As set forth in the Applicant’s application, the Applicant proposes to develop the Property as a mixed-use project with residential, office, and ground floor retail uses (the “Mixed-Use Scheme”), with a requested alternative for the office component to be replaced with a similarly designed, but modified, residential component, such that the entire building would be devoted to residential use with ground floor retail (the “Residential Scheme”). The Mixed-Use Scheme and the Residential Scheme are together referred to herein as the “Schemes,” when applicable. For either Scheme, development is proposed to be in two phases, with “Phase A” on the southern portion of the Property, which is either the office tower with ground floor retail or the residential tower with ground floor retail, and “Phase B” on the northern portion of the Property, which will be developed as the same residential tower in either scheme.

The Applicant submitted drawings showing both Schemes (Ex. 3B, pp. 26-42 and 44-58, respectively), which drawings have been updated based on continued feedback and engagement with the Office of Planning (“OP”) and the affected Advisory Neighborhood Commission

¹ These lots will be subdivided into a single lot of record.

(“ANC”) 6D. The updated architectural drawings attached hereto as Exhibit A are intended to replace and supersede the architectural drawings previously submitted to the case record.

While it is unique to submit two fully designed alternatives, it is not unusual for the Zoning Commission to grant flexibility for use in a design review case. *See e.g.*, Decision No. 3 of Z.C. Order No. 06-46B (approving a design review application to vary the uses by up to 77,800 square feet, with no additional design plans provided and with no requirement to return to the Zoning Commission); *see also* Decision No. 5 of Z.C. Order No. 17-25 (approving a design review application with flexibility to replace the ground floor residential amenity space with retail space with no requirement to return to the Zoning Commission so long as doing so does not materially impact the ground-floor façade design other than in compliance with the flexibility requested). In this case, the Applicant needs flexibility due to the extreme uncertainty of market conditions as a result of the ongoing pandemic. The Applicant has fully developed both Schemes so that once approved, the Applicant is able to move forward quickly without the requirement to go back through the hearing process that can take more than nine months to complete. As set forth in detail below, both Schemes fully comply with the design review standards.

II. BACKGROUND

A. The Property

The Property is located within Square 649, which is bounded by L Street, SW to the north, South Capitol Street to the east, M Street, SW to the south, and Half Street, SW to the west. The Property is presently improved with a single story retail structure on Lot 48 and is otherwise used as surface parking. The Property includes a total of approximately 75,656 square feet of land area and comprises approximately 75% of Square 649. The only lot within Square 649 that is not part of the Property is Lot 47, which is under separate ownership, is located at the northeast corner of

the square, and is presently vacant. As shown on the Zoning Map (Ex. 3A), the Property is zoned D-5.

B. Surrounding Neighborhood

The Property is located at the intersection of M and South Capitol Streets, SW. The Capitol Riverfront and Navy Yard neighborhoods are located to the east of the Property, and the Southwest Waterfront neighborhood is located to the west. The Property is located approximately one block to the north of Nationals Park and approximately three blocks to the south of the Southeast Freeway. Aerial views of the Property and surrounding neighborhood and photographs of nearby developments are included in the Architectural Drawings (Exhibit A, Section 1).

The surrounding neighborhood is largely improved with a variety of high-density mixed use buildings and lower-density row homes. The block immediately to the north of the Property, and the only lot within Square 649 that is not part of the Property (Lot 47), are both vacant but are permitted to be developed to the same height and density as the Property following design review under the same standards as set forth herein. The lots located along South Capitol Street to the immediate south of the Property are presently improved with single-story commercial buildings but are permitted to be developed with buildings having a height of 110 feet. One block farther to the south, across from Nationals Park, is a large site that is currently undergoing the design review process for a residential building. Adjacent to that site is the Camden South Apartments building. Lower-density, two-story residential uses are located to the south and southwest of the Property.

III. INTRODUCTION OF SCHEMES

A. General Summary of Schemes

The Schemes are both designed in the same aesthetic to create an important streetwall along South Capitol Street, establish a vibrant pedestrian experience in this high density location, and serve as an important gateway into the Southwest neighborhood to the west. To that end, the

architectural design of both Schemes has drawn from influences in the Southwest neighborhood at the same time as reflecting the monumental importance of the boulevard and this gateway corner.

The Schemes have been designed with a maximum building height of 130 feet, incorporating an upper-level setback at 110 feet fronting South Capitol Street. Both Schemes have incorporated a lower height at the corner of M and Half Streets (referred to as the “Southwest Pavilion”) which will serve as a transition into the Southwest neighborhood and helps to recognize the lower scale of development immediately to the south and southwest of that corner. The Southwest Pavilion also provides the meaningful connection for the two towers in both Schemes to create a single building for zoning purposes.

B. Circulation, Parking, and Loading

Both Schemes include a centralized, two-way private driveway system to provide access to below-grade parking, internal loading, and internal passenger drop off areas. The below-grade parking garage in both Schemes will be accessed from the private drive and will include approximately 403 vehicle parking spaces in the Mixed-Use Scheme and 311 vehicle parking spaces in the Residential Scheme. Both Schemes meet or exceed the required long- and short-term bike parking requirements. Interior bicycle storage rooms will be located on the ground and first garage levels of the Mixed-Use Scheme with access via the garage ramp or shuttle elevators; for the Residential Scheme the bicycle storage rooms are located in the first garage level only. Short-term exterior bike parking will be located on all street frontages.

Loading is also accessed via the private drive and will accommodate front-in, front-out truck access. The loading facilities include four 30-foot loading berths and two 20-foot service/delivery spaces, which exceed the zoning requirements for both Schemes.

In order to minimize potential vehicular and pedestrian conflicts, two-way traffic for pedestrian pick-up and drop-off will be provided internal to the Property within the east-west portion of the private drive. The primary pedestrian entrances will be located on M and L Streets, with retail entries on M and South Capitol Streets. Additional secondary entry points will be located on Half and L Streets, including direct walk-ups to residential units on Half and L Streets.

Both the ANC and OP expressed concern relating to access for the future development of Lot 47 in the square. Based on the issues discussed, the Applicant commits to provide an easement to the owner of Lot 47 at such time as the development moves forward, which will allow the future project to use the 22-foot private driveway to access its parking and loading. Such easement will be conditioned on the owner of Lot 47 agreeing to widen the 22-foot wide driveway by an amount necessary to accommodate the added vehicular and truck traffic. Specifically, the Applicant will provide up to 22 feet on the Property, but any additional area (i.e., an additional three to eight feet which result in a widened driveway of 25 feet to 30 feet) needed to support the additional vehicular and truck traffic will be provided on Lot 47.

C. Streetscape

The streetscape surrounding the Property in both Schemes will include DDOT-standard scored concrete with special paving at the lobby entrances. Permeable paving will be used wherever possible, interspersed with understory plantings and canopy trees, in order to reduce storm water runoff. A variety of pedestrian-scaled streetscape features will be installed, including new lighting, benches, bicycle racks, and trash and recycling receptacles. An existing bus stop will be relocated from mid-block on M Street to the corner of M and Half Streets.

To enlarge the public space along M Street, the Applicant will set back the ground level façade by three feet in order to provide additional pedestrian space along the important corridor.

This revision provides greater opportunity for outdoor activation as well as the ability to incorporate additional plantings and greenery in the tree zone.

D. Environmental Features

Both Schemes incorporate important environmental features. Extensive and intensive green roof areas will be located in the courtyard, on the roof, and on the penthouse roof. The green roofs will be at least eight inches deep to offer higher stormwater retention and opportunities to create a diverse planting palette. Native and adaptive species will be maximized to foster biodiversity and create a microhabitat. In addition, small and medium trees and large shrubs will be planted in the courtyard and on the roof where possible. Roof pavers with high solar reflectivity, in addition to green roof cover, will be used to considerably reduce the heat island effect.

Additional sustainable elements will be incorporated into both Schemes, including the provision of a water source heat pump, high performance windows, central ventilation with energy recovery and pressurization systems, and electric vehicle charging in the garage. Both Schemes have been designed to achieve LEED Silver under LEED v4 for Building Design and Construction. In addition, both Schemes have been updated to include solar panels as requested by OP. As shown in the attached Solar Panel Study attached as Exhibit B, the Applicant commits to provide solar panels on the east facing penthouse walls in the general solar panel zones in a minimum amount of 750 square feet.

IV. THE MIXED-USE SCHEME

A. Program and Uses

As shown in Section 3 of the Architectural Drawings (Exhibit A, Sheets 30-102) the Mixed-Use Scheme will include residential, office, and ground floor retail uses. All together, the Mixed-Use Scheme will include approximately 581,348 square feet of gross floor area (“GFA”) (approximately 7.68 floor area ratio (“FAR”)), comprised of approximately 349 residential units,

approximately 225,356 square feet of office use, and approximately 25,406 square feet of retail use. The maximum building height will be 130 feet, with an upper-level setback at 110 feet fronting South Capitol Street and a lower height at the corner of M and Half Streets. The penthouses will have a maximum height of 20 feet and will contain penthouse habitable space, including residential units, residential amenity space, office amenity space, and mechanical space.

B. Mixed-Use Scheme Design and Modifications Based on ANC and OP Engagement

In response to comments received from OP and the ANC, the Applicant has made some refinements to design of the Mixed-Use Scheme to ensure that it fits in well with the surrounding context and creates an appropriately scaled and articulated identity at its important gateway location. As described in detail below, the base of the building has been designed to complement the scale and materiality of the low-rise townhomes to the south and southwest. At the same time, the glass and concrete towers above establish a strong streetwall to frame the monumental views up South Capitol Street and define M Street as a vibrant retail corridor. Varied rooflines along M Street and an upper level setback facing South Capitol Street at 110 feet are provided to complement surrounding design traditions and define the Mixed-Use Scheme as a gateway to the neighborhood. In response to comments from OP, and as shown on Sheets 17-19 and 56-66 of the Architectural Drawings the Applicant has provided a greater level of detail on the proposed materials to provide a better understanding of their texture and materiality, particularly at the base of the building.

The Mixed-Use Scheme has also been designed to blur the line between the office and residential components. The upper level massing is broken into smaller “thin buildings” that interlock around the perimeter of the Property. Clad in cool grey precast concrete, the thinness of the massing is able to accommodate the different uses and provide a unified presence. Large

balconies that mimic rotated hopper windows are interspersed and establish a distinctive design element. As suggested by OP, an additional hopper window was added along the M Street façade, which provides additional balcony space and an additional opportunity for tenants to access outdoor areas. The large windows also allow the outside to be brought into the building, which is further enhanced by the operable windows for the residential portion of the Mixed-Use Scheme.

At the corner of M and South Capitol Streets, the Mixed-Use Scheme incorporates projecting bays with large gridded fenestration and precast concrete to emphasize the importance of the Property's gateway location. The scale of the upper level grid massing (one structural bay wide by two floors tall), the smooth texture of the precast, and the interlocking forms work together to create a design that anchors the Mixed-Use Scheme at its important intersection and one that responds to the many different contexts and design aesthetics, including those from the Southwest neighborhood, Buzzard Point to the south, and the stadium and Navy Yard district to the east and southeast.

A two-story brick podium is provided along M and South Capitol Streets to establish a horizontal connection to the low-rise townhomes in the surrounding area. The masonry materials at the base create a visual anchor for the upper level massing and provide textural contrast to the broader quality of the precast above. With openings that scale down from the large proportions above, the single story expressions within the podium are reflective of the surrounding low-rise context and provide a balanced foundation for the glass and concrete towers. In response to comments from OP and the ANC, the Applicant has refined the podium design along M Street by establishing a three-foot retail setback to enhance the pedestrian experience and increase opportunities for additional green space. This setback along with the darker brick texture allows the upper level massing to as if they float above the ground level, which is an often-seen design aesthetic in Southwest.

The gridded fenestration of the tower continues north up South Capitol Street for four bays wide and then transitions to a single-story connection between the Mixed-Use Scheme and the adjacent Lot 47. Providing the lower height in this location allows for continuous windows and light to be provided for the north-facing office tower and also establishes an outdoor terrace between the building and Lot 47.

The brick base continues around the Mixed-Use Scheme to L and Half Streets to accommodate building entries and amenities. Walk-up residential units along L Street feature individual patios defined by a low garden wall at the property line. The podium also includes double-height window openings in this location, which together with the walk-up units help to evoke the proportions of the existing row homes south of M Street. The upper-story massing and fenestration in these locations is a continuation of the precast grid with rotated balcony versions of the hopper window concept to reflect the residential program and provide variety to the unit mix. The interlocking corner at L and Half Streets includes additional balconies and triple-height terraces.

At the corner of M and Half Streets, the Mixed-Use Scheme massing is lowered substantially as part of the Southwest Pavilion, and the architecture shifts to break down the scale of the building as it moves westward. The program for this corner is a flexible pavilion space, and the ground and mezzanine levels of the pavilion are anticipated to contain retail use (or potentially office and/or office amenity space). The second level of the Southwest Pavilion, which is at the same slab elevation as the office tower and is connected via exterior terraces, is anticipated to contain office space. Ground level access into the pavilion is provided from M Street, and shuttle elevators are provided at the ground level to access the pavilion's upper floors and the parking garage below. A partially-elevated exterior terrace above the pavilion is also provided to create

additional outdoor amenity space. Overall, the Southwest Pavilion further underscores the lower-rise heights of the surrounding neighborhood and adds variety to the building design.

A large central courtyard is provided at the second level of the building. The courtyard will serve as an outdoor amenity space for the residential component of the Mixed-Use Scheme and has been designed to be functional as well as sustainable in terms of stormwater management. Connected to the main residential lobby on L Street, the courtyard offers a visual draw with a variety of design elements that include seating and gathering areas, an amphitheater, outdoor dining space, terraces and lawns, private terraces for residential units, bioretention areas that act as a buffer from the office use, and opportunities for a water feature and/or art walls. Similarly, the roof levels also provide terraces and outdoor amenity space for building residents and office tenants. At the request of the ANC, the Applicant also added a dog run to mitigate any pet relief impacts to the public space.

C. Affordable Housing Contribution Generated by Penthouse Habitable Space

The penthouse habitable spaces proposed for the Mixed-Use Scheme will generate an Inclusionary Zoning (“IZ”) requirement pursuant to 11-C DCMR §§ 1500.11-1500.12 and 11-C DCMR Chapter 10. For the residential component of the Mixed-Use Scheme, the Applicant will meet the penthouse IZ requirement by providing the resultant IZ unit(s) within the project. The residential penthouse will contain approximately 2,909 square feet devoted to penthouse habitable space as defined in 11-C DCMR § 1500.11 (i.e., excludes space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents and includes a prorated area of shared corridor space). Thus, pursuant to 11-C DCMR §§ 1003.2(b) and 1003.1, a minimum of 233 square feet (8% of the penthouse habitable space) will be provided within the building for households earning up to 50% of the Median Family Income (“MFI”). The exact square footage

will be calculated based on the final design approved with the building permit, and the IZ unit will be provided in accordance with the applicable Inclusionary Zoning requirements.

For the office component of the Mixed-Use Scheme, the Applicant will meet the penthouse IZ requirement by providing a contribution to the housing production trust fund (“HPTF”) consistent with the provisions of 11-C DCMR §§ 1505.13 through 1505.16. The portion of the Mixed-Use Scheme devoted to office use will include a penthouse with approximately 5,862 square feet devoted to office amenity space, which includes a prorated area of shared corridor space. Thus, approximately \$208,638 will be contributed to the HPTF generated by the office use in the penthouse, based on the estimated 2021 assessed value. The exact contribution amount will be based on the final design approved with the building permit, and the assessed value will be based on the fair market value no earlier than 30 days prior to the date of the building permit application to construct the penthouse habitable space, consistent with 11-C DCMR § 1505.14.

V. THE RESIDENTIAL SCHEME

A. Program and Uses

As shown in Section 4 of the Architectural Drawings (Exhibit A, Sheets 103-167) the Residential Scheme would replace the office use in Phase A of the Mixed-Use Scheme with residential units and a revised building design that reflects the residential program. The Residential Scheme will include approximately 687,733 square feet of GFA (approximately 9.1 FAR), comprised of approximately 615 residential units and approximately 23,948 square feet of retail use. The maximum building height will remain 130 feet with an upper level setback at 110 feet facing South Capitol Street. The penthouses will have a maximum height of 20 feet and will contain penthouse habitable space, including residential units, residential amenity space, and mechanical space.

B. Residential Scheme Design and Modifications Based on ANC and OP Engagement

Portions of the Residential Scheme have been revised substantially since submitting the original application in order to incorporate comments and feedback from OP and the ANC. These are primarily related to (i) the design and materials provided on the northern portion of the South Capitol Street frontage and the eastern portion of the L Street frontage, including the addition of balconies, to better evoke the design aesthetic of Southwest; (ii) the design, massing, and reduced height of the Southwest Pavilion; (iii) thinner window mullions; and (iv) activation of the north party wall abutting Lot 47. As noted above, both Schemes incorporate the three-foot setback along M Street to enlarge the public space and provide more opportunities for green space. Detailed descriptions of these modifications are discussed below.

The Residential Scheme maintains the same exterior design of the residential portion of the Mixed-Use Scheme (Phase B) but provides a different and updated design for the office portion of the Mixed-Use Scheme (Phase A) to present a holistic aesthetic that is more appropriate for an entirely residential building (e.g., operable windows are used throughout the Residential Scheme). Similar to the Mixed-Use Scheme, the Residential Scheme has been designed to complement the context of the low-rise buildings to the south and southwest while also establishing consistent street walls to frame the monumental views along South Capitol Street and establish M Street as a vibrant retail corridor. Varied rooflines and setbacks are maintained along M Street; the large terrace facing South Capitol Street at 110 feet continues to be provided; and the upper-level towers continue to be made of a modernist concrete and glass palette. As requested by OP, the Applicant has provided a greater level of detail on the proposed materials to provide a better understanding of their texture and materiality, particularly at the base of the building.

At the corner of M and South Capitol Streets, the Residential Scheme provides the same projecting bays within large gridded fenestration but is defined by one structural bay wide by three floors tall (compared to two floors tall in the Mixed-Use Scheme). In response to comments from OP and the ANC, the Applicant thinned the window mullions to soften the gridded pattern and better coordinate with the residential design aesthetic.

The gridded fenestration extends north along South Capitol Street where it meets a separate architectural character that is used for the northern portion of the building's east facade. This portion of the building along with the eastern portion of the north facade along L Street – referred to as the “hyphens” – have been significantly revised in response to comments from the ANC. Rather than extending the light gray brick of the podium below and providing deep-set punched windows as previously proposed, the Applicant has darkened the brick to match the color palette of the Southwest Pavilion and widened the window openings. The brick hyphens help to create more articulated structure (e.g. legible floor slabs and building column grid) with the clean faces of masonry better reflect the design aesthetic of the Southwest neighborhood. The continuation of the dark brick to the base of the building allows the gridded towers to appear as if they float above the ground level, which, as noted above, is a traditional design aesthetic in Southwest.

In response to comments from OP, the Applicant also added balconies on South Capitol Street that stretch the width of the column grid to allow more of the facade to project outward to correspond with the hopper element at the corner and create a more residential character. The height of this portion of the building along South Capitol Street has been brought to 130 feet, with the setback at 110 feet, to bring a more consistent streetwall condition to this facade. On the north facade of this hyphen, the Applicant has created greater interest on the party wall by incorporating a gridded pattern with brick inlay. However, this wall will only be temporarily visible in the interim between development of the Property and Lot 47 to the north.

As noted, this revised design aesthetic of the east façade is also introduced on the north façade on L Street. This façade also incorporates balconies that stretch the width of the column grid. The design on this façade incorporates an area of setback of approximately six feet from the larger gridded fenestration that wraps the corner from Half Street to L Street to create a reveal in the façade and to provide additional articulation where the two components merge. Along Half Street, the large gridded fenestration continues with the hopper windows serving as operable balconies.

At the corner of M and Half Streets, the architecture transitions to a modern glass and steel palette for the Southwest Pavilion. In response to comments from the ANC, the Applicant revised the pavilion to better reflect the lower scale housing to the south and southwest and to provide more light and air through the building as viewed from the southwest. To do so, the Applicant lowered the height of the Southwest Pavilion and provided a greater variety of roof lines, setbacks, and height step-downs. Accordingly, the Southwest Pavilion on the Residential Scheme is now defined by a two-story glass base, six-stories of large gridded fenestration above, and additional setbacks at the 10th and 12th levels. The massing is composed of a series of volumes that interlock and step back from the street, giving favor to the elevated terraces rather than maximizing the interior square footage. Doing so also creates visual depth into the building and helps to transition the monumental southeast corner to the lower scale of the Southwest neighborhood. Together with the massing, the glass and metal materials create a contemporary composition, a generous sense of space, and a light and airy corner of the block, which is consistent with the design intent for the Southwest Pavilion in the Mixed-Use Scheme. The Southwest Pavilion in the Residential Scheme does not include the mezzanine space provided in the Mixed-Use Scheme, and the primary use of the second level is residential (not office) and this level is at the same slab elevation as the adjoining residential space.

The base of the building at M and South Capitol Streets is similar to that described above for the Mixed-Use Scheme. As noted above, the Applicant has incorporated a three-foot setback along M Street to enhance the pedestrian experience in this location and increase opportunities for green space. The large central courtyard, rooftop amenity spaces, and sustainable elements described above for the Mixed-Use Scheme will also be provided in the Residential Scheme.

C. Affordable Housing Contribution Generated by Penthouse Habitable Space

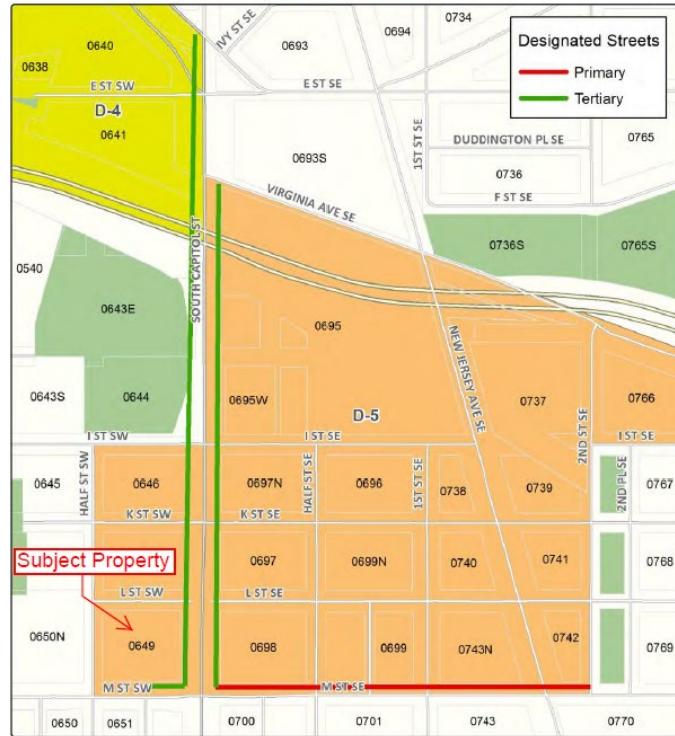
Similar to the Mixed-Use Scheme, the penthouse habitable spaces on the Residential Scheme will generate an IZ requirement pursuant to 11-C DCMR §§ 1500.11-1500.12 and 11-C DCMR Chapter 10. For the Residential Scheme, the Applicant will meet the penthouse IZ requirement by providing the resultant IZ unit(s) within the project. The residential penthouses will together contain a total of approximately 7,018 square feet devoted to penthouse habitable space as defined in 11-C DCMR § 1500.11 (i.e., excludes space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents and includes a prorated area of shared corridor space). Thus, pursuant to 11-C DCMR §§ 1003.2(b) and 1003.1, a minimum of 562 square feet (8% of the penthouse habitable space) will be provided within the building for households earning up to 50% of the MFI. The exact square footage will be calculated based on the final design approved with the building permit, and the IZ unit will be provided in accordance with the applicable Inclusionary Zoning requirements.

VI. COMPLIANCE WITH STANDARDS FOR DESIGN REVIEW

A. Design Review Requirements for the M and South Capitol Streets Sub-Area (11-I DCMR 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. 11-I DCMR § 616.1. The general location of the M and South Capitol Streets Sub-Area is the D-5 zoned

FIGURE I § 615: ILLUSTRATION OF THE M AND SOUTH CAPITOL STREETS SUB-AREA AND DESIGNATED STREET SEGMENTS

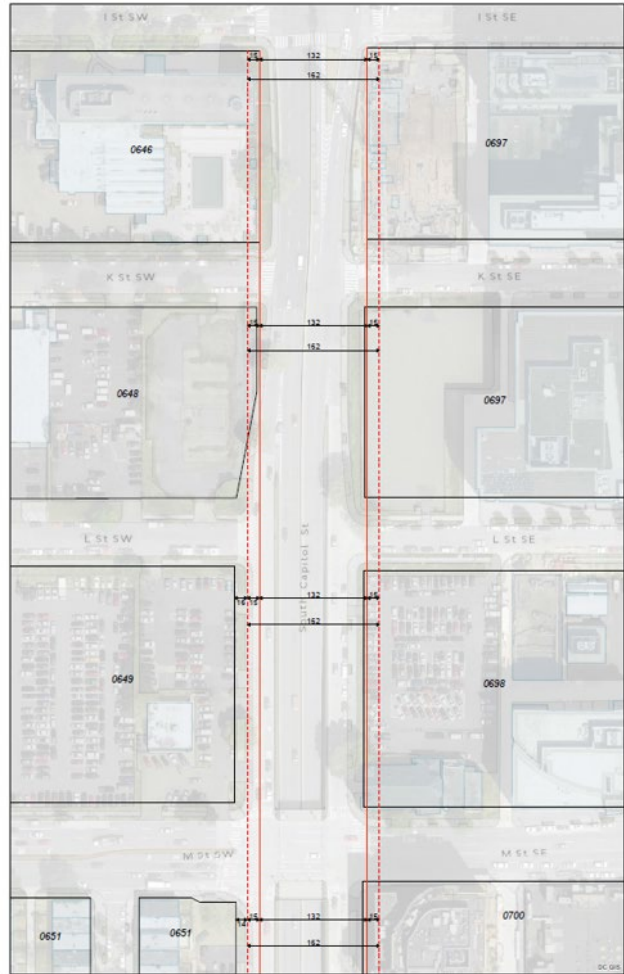


property with frontage on either side of the designated tertiary street segments of South Capitol Street north of M Street, and the D-5 zoned property with frontage on the designated primary street segments on the north side of M Street, SE, between South Capitol Street and the Canal Blocks Park. See 11-I DCMR § 616.2 and Figure I § 615 above. As shown on Figure I § 615, the Property is included in this designated area due to its location on the west side of the designated tertiary street segment of South Capitol Street. tertiary street segment of South Capitol Street.

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 11-I DCMR §§ 616.5 and 11-I DCMR § 603.2.

The streetwall of buildings located on the east and west sides of South Capitol Street are required to be setback for their entire height and frontage no less than 15 feet from the property line adjacent to South Capitol Street. The goal of this setback requirement along South Capitol Street is to create a boulevard having a consistent view corridor that is 160-foot wide. However, a setback from South Capitol Street is not required for the Property pursuant to 11-I DCMR § 616.7(a), stating that “[t]here shall be no setback on the west side of South Capitol Street in Square 649 between L and M Streets, S.W.” This exemption exists because the South Capitol Street right-of-way has already been widened in this location based on previous right of way dedication from Square 649. *See **Figure A** above.*

Figure A



As shown in **Figure A**, the lots in Square 649 are already setback from the required South Capitol Street setback line, thus creating the intended view corridor. As such, the proposed building projections as well as the added balconies allow the façade to be brought closer to the line of the view corridor and create visual interest similar to other buildings that have façade articulation behind the setback line (e.g., the recently approved residential building at 950 South Capitol Street, SE). At the same time, the goal of the consistent street wall along South Capitol Street is achieved. The strong architectural framing of the columns creates a consistent street wall as one looks to the north and south along South Capitol Street, and in the Residential Scheme, the

balconies provide added interest. In addition, as shown on Sheets 102-167 of the Architectural Drawings, both Schemes meet the minimum requirement set forth in 11-I DCMR § 616.7(g) that 60% of the street-wall is constructed on the setback line, which is the property line in this case.

The following additional setback requirements of 11-I DCMR § 616.7(d), (e) and (g) apply to the Property and are met as follows:

- d. *Any portion of a building that exceeds one hundred ten feet (110 ft.) in height shall provide an additional one-to-one (1:1) setback from the building line along South Capitol Street;*

As shown on the Plans, both Schemes provide a 1:1 setback from the building line along South Capitol Street above 110 feet in height.

- 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 the Plans, there are no openings in the Mixed-Use Scheme or the Residential Scheme adjacent to South Capitol Street that provide entrances or exits for parking or loading. All parking and loading access have been consolidated by virtue of a private driveway which is accessed from L and Half Streets, SW.

- g. *A minimum of 60% of the street-wall on the west side of South Capitol Street shall be constructed on the setback line.*

As shown on Sheets 102-167 of the Architectural Drawings, a minimum of 60% of the of the streetwall for both Schemes is constructed on the setback line, which for the Property is the eastern property line along South Capitol Street. *See* 11-I DCMR § 616.7(a).

Specifically, a minimum of approximately 69% of the Mixed-Use Scheme's streetwall is constructed on the setback line, and approximately 86% of the Residential Scheme's streetwall is constructed on the setback line.

B. General Design Review Requirements for D Zones (11-I DCMR Chapter 7)

All proposed 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 11-I DCMR Chapter 7. *See* 11-I DCMR §§ 616.8 and 701.1. The Property

is located on a tertiary street segment of South Capitol Street and is therefore subject to the design review regulations. Both Schemes comply with the design requirements as set forth below.

- a. 11-I DCMR § 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;*

Both of the Schemes comply with the objectives of the M and South Capitol Streets Sub-Area set forth in 11-I DCMR 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* 11-I DCMR § 616.1. Consistent with these objectives, the architectural designs for both Schemes preserve the important view of the Capitol Dome by providing setbacks at 110 feet. *See* views facing the Capitol Dome for both Schemes at Sheets 97-98, 101, and 164-165 of the Architectural Drawings. As noted above, both Schemes also provide a consistent streetwall along South Capitol.

In addition, both Schemes significantly advance South Capitol Street as a vibrant, high-density, and mixed-use corridor. The Mixed-Use Scheme and the Residential Scheme include new ground floor retail use along the Property's entire South Capitol Street frontage, which will improve the vibrancy of the street. Large storefront windows will be provided for the ground floor retail, and the adjacent streetscape will be improved with new paving, street trees, understory plantings, and pedestrian-scaled features including new lighting, benches, bicycle racks, and trash and recycling receptacles. Taken together, the solid building podium, high quality materials, large window openings, active retail base, 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;*

The proposed designs of both Schemes are contextual to the surrounding neighborhood and street patterns, offering distinct façade designs for each building elevation. Active ground floor retail and amenity space will wrap the building on all sides, and parking and loading is taken from L and Half Streets, SW, to minimize impacts on existing street patterns and surrounding uses. This proposed configuration will maximize active street frontage along South Capitol Street and significantly improve the public realm. As described above, the building has been designed to respond to the many different contexts and

design aesthetics in which the Property is located. The base of the building is scaled to complement the context of the low-rise buildings to the south, with the direct walk-up access reflecting the residential use. The modernist concrete and glass towers are used to maintain consistency with more recent neighborhood design aesthetics in the Southwest while the industrial design treatment reflect the context from Buzzard Point further to the south and the Navy Yard in Southeast.

3. *Minimize conflict between vehicles and pedestrians;*

As described above, vehicular and pedestrian conflicts will be minimized because all parking and loading access into the Property under both Schemes will be provided on L and Half Streets, rather than from M or South Capitol Streets. All vehicular pick-up and drop-off activities will occur within a designated area in the private drive, thus further minimizing potential conflicts between vehicles and pedestrians. Moreover, loading for both Schemes has been designed to 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.

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

As shown on the Architectural Drawings, both design Schemes include extensive façade articulation across all street-facing elevations. The ground floor levels include active uses with clear inviting windows and extensive architectural expression. High-quality materials are used throughout, including artisan brick and glass at the ground level and precast concrete with a gridded window pattern for the towers above. 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*

Both Schemes will be designed to meet the standards of LEED Silver under LEED v4 for Building Design and Construction and will incorporate various sustainable features, including solar panels. Separate LEED checklists for the Mixed-Use Scheme and the Residential Scheme are included at Sheets 35 and 108 of the Architectural Drawings.

- b. 11-I DCMR § 702.1(b) - *With respect to a building or structure in a D zone that has frontage on South Capitol Street, S.E. or North Capitol Street south of M Street, N.W.:*

This subsection is not applicable to the Property, which is located on South Capitol Street, SW.

C. Special Exception Standards (11-I DCMR Chapter 7 and 11-X DCMR § 901.2)

Pursuant to 11-I DCMR § 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 11-X DCMR Chapter 9. Accordingly, pursuant to 11-X DCMR § 901.2, the Commission must find that both the Mixed-Use Scheme and the Residential Scheme 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, both Schemes will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Schemes meet all of the dimensional and use requirements for a site within the M and South Capitol Streets Sub-Area, and also comply with all of the development and use standards for the D-5 zone. Moreover, as described in detail in Sections VI(A) and (B) of this Prehearing Statement, the Schemes are 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 as a vibrant, high-density and mixed-use corridor.

Both Schemes 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 both Schemes will be consistent with the surrounding massing and neighborhood character and will fully comply with the standards for the D-5 zone. The proposed mix of uses for the Schemes will also be fully consistent with the variety of residential and commercial uses in the surrounding

area, and the proposed ground floor retail, which is proposed in both Schemes, will help to create the vibrancy of South Capitol as a walkable and pedestrian-friendly urban boulevard as called for in planning goals. Furthermore, the proposal to create centralized access for vehicles and loading – along with the commitment to provide access for and work with the owner of Lot 47 – will minimize any potential conflicts between pedestrians and vehicles. Therefore, both Schemes 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.

VII. COMPLIANCE WITH DESIGN REVIEW STANDARDS IN SUBTITLE X

As set forth herein, the application is subject to the design review provisions of 11-I DCMR § 616 and 11-I DCMR, Chapter 7. Subtitle I § 616 establishes the specific design standards for buildings located within the M and South Capitol Streets Sub-Area. As part of the design standards, 11-I DCMR § 616.8 provides that all new buildings facing the street segments in the Sub-Area are subject to review and approval by the Zoning Commission in accordance with Subtitle I, Chapter 7. In turn, Subtitle I, Chapter 7 establishes the general design review standards for D zones. Sections VI(A) and (B) of this Prehearing Statement provide a detailed description of how both Schemes comply with all relevant standards of 11-I DCMR § 616 and 11-I DCMR, Chapter 7.

In addition, 11-X DCMR, Chapter 6 establishes the purposes, applicability, and standards for design review cases generally. 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* 11-X DCMR § 601.1 stating that: “[e]xcept 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. Such a

review shall hereinafter be referred to as a ‘Non-Voluntary Design Review’” (emphasis added).² Based on this exemption, the Applicant did not previously provide an analysis of the Schemes’ compliance with the design review standards of 11-X DCMR § 604. However, out of an abundance of caution, and to the extent that the Commission believes it is necessary to evaluate such standards, the Applicant has provided an analysis of the project’s compliance with 11-X DCMR, Chapter 6, including an analysis of the project’s compliance with the Comprehensive Plan and Southwest Neighborhood Plan, which are attached hereto as Exhibits C and D, respectively.

VIII. PROJECT PHASING AND DESIGN FLEXIBILITY

A. Phasing

As stated above, the Applicant anticipates developing the project in phases, with Phase A on the southern portion of the Property and Phase B on the northern portion of the Property. Pursuant to 11-Z DCMR § 702.4, the Applicant requests that the Commission permit Property to be developed in phases as follows:

Approval of Phase A shall be valid for a period of two years from the effective date of the Order. Within that time, the Applicant shall file a building permit application for Phase A. The Applicant shall begin construction of Phase A within three years of the effective date of the Order. Approval of Phase B shall be valid for a period of two years following issuance of the first Certificate of Occupancy for Phase A. Within that time, the Applicant shall file a building permit application for Phase B. The Applicant shall begin construction of Phase B within three years of issuance of the first Certificate of Occupancy for Phase A.

The flexibility to phase the project does not prevent the Applicant from choosing to move forward with permitting and construction of Phase A and Phase B simultaneously.

B. Flexibility

The Applicant requests the following design flexibility as it relates to the proposed development, which has been modified since the Applicant’s original filing:

² The Zoning Commission recently approved two design review cases within the M and South Capitol Streets Sub-Area and in doing so did not evaluate the standards of 11-X DCMR § 601. See Z.C. Order Nos. 19-23 and 17-25.

- a. Uses in Project: To convert the office component in the Mixed-Use Scheme to residential use and develop the Property as the Residential Scheme, in accordance with plans approved by the order;
- b. Uses in the Pavilion: In the Mixed-Use Scheme), to provide retail, office, and/or residential amenity uses in the flexible space located on the first and mezzanine levels of the pavilion at the corner of M and Half Streets comprising approximately 10,403 square feet, and in the Residential Scheme, to provide retail and/or residential amenity uses in the flexible space located on the first level of the pavilion at the corner of M and Half Streets comprising approximately 6,607 square feet;
- c. 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;
- d. 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;
- e. Exterior Details: Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
- f. 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;
- g. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%), provided that to the extent that additional three-bedroom units are incorporated in the Residential Scheme, to reduce the number of units by up to fifteen percent (15%);
- h. Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking space plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;
- i. Private Driveway: To relocate and realign the curb cut and private driveway from L Street to align with future agreements with the owner of Lot 47 to provide for shared access;

- 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 the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations; and
- l. Sustainable Features: To vary the approved sustainable features of the project, including the location of solar panels, provided the total number of LEED points achievable for the project does not decrease below the minimum required for the LEED standard specified by the order.

IX. UPDATE ON COMMUNITY ENGAGEMENT

As described in the Statement in Support, the Applicant began to formally engage with the affected ANC 6D regarding the proposed development prior to submitting the Application. Initial feedback from the ANC was primarily related to architectural design, with comments focused on the building's façade materials, massing, and relationship to the existing architecture and density of the surrounding neighborhood.

In response, the Applicant has carefully considered the surrounding context and designed the Schemes so that both proposals are scaled appropriately for the Property, include high-quality materials, and fit in well with the surrounding architectural vernacular. For example, the building establishes a strong streetwall along South Capitol Street and has a characteristically high-density presence at the intersection of M and South Capitol Streets. At the same time, the building provides significant setbacks, height step downs, and intricate façade articulation on the south and west elevations to provide an appropriate transition to the lower-density residential neighborhoods to the southwest. Direct walk-up units on the west elevation are used to pay respect to the historical row homes in the immediate area, and the Southwest Pavilion is designed to be light and airy with lower heights in both Schemes to create a sense of porosity through the building. Overall, the designs of both Schemes take visual cues from and respond to the surrounding architecture of the

Southwest, incorporating interlocking forms that work together to create a design aesthetic that anchors the building as a gateway development between Southwest and Southeast, DC and respects the setting in which it is located. Many of these design, massing, and materiality concepts have been developed based on direct feedback from OP and the ANC.

Specifically, the ANC expressed concerns relating to the following issues and the Applicant responded to each accordingly:

- *The design of the building should address traffic congestion caused by deliveries, loading, and pick-up/drop-offs.*

To address concerns with site circulation, the Applicant has provided a private drive within the site to fully internalize all parking, loading, and pick-up/drop-off activities. Access to the below-grade parking garage and loading facilities is provided within the private drive, and a designated pick-up/drop-off location is located behind the Southwest Pavilion also within the private drive. As a result, vehicles will not stop on the surrounding public streets for parking, loading, or drop-off activities, and all loading truck turning maneuvers will be able to occur on-site. In response to specific concerns, the Applicant revised the M Street lobby in both Schemes to become a “through lobby” so that pedestrians have access from M Street through the building to the pick-up/drop-off zone. Similarly, the Applicant added an exterior (but covered) pedestrian connection adjacent to the pick-up/drop-off area to connect the Phase A and Phase B components of the building. In response to the ANC’s stated concerns, the Applicant also relocated the below-grade parking garage entrance within the private drive so that all parking and loading facilities are fully within the building footprint.

In addition to the design changes made to address concerns with pedestrian and vehicular conflicts, the Applicant will also work with its property management division to incorporate language into the commercial leases as to the use of the on-site loading facilities and drop-off areas, such that all loading, deliveries, and pick-up/drop-off activities take place within the private drive and not on the surrounding streets. The Applicant will also work with Google to establish a “pin drop” on GIS mapping devices that will be used by rideshare services (e.g., Uber, Lyft).

- *The overall design of the building is too industrial and does not reflect the mid-century modern character of the Southwest neighborhood.*

In response to the community’s request to revisit the design through a more contextual lens, the Applicant extensively researched the neighborhood’s architecture, modifying those portions of the building that were not in context and creating graphics to illustrate to the ANC how other aspects of the design fit within the specific architectural vernacular of the southwest. The most considerable modification was the complete redesign of the “hyphen” portions of the north façade of the Mixed Use Scheme and the north and east

façades of the Residential Scheme to better reflect the southwest design aesthetic. In doing so, the Applicant incorporated new balconies and reveals and highlighted the design's strong horizontal and vertical elements to showcase its midcentury-modern character within the neighborhood.

Based on discussions with the ANC, the Applicant also continued to revise the overall building design and massing by highlighting the building's strong podium that relates to the scale and materiality of nearby rowhomes. Above the base, the tower elements appear to float, which is consistent with architectural precedent within the southwest community. The concrete and glass towers also establish a strong streetwall to frame the monumental views up South Capitol Street, while the varied rooflines along M Street and the upper level setbacks on South Capitol Street successfully compliment surrounding design traditions. At the ground level, the Applicant incorporated walk-up units to further enhance the residential context. Taken together, the revised design is fully consistent with the higher-density and modernist buildings along South Capitol Street and with the rowhomes to the south, which collectively reflect the overall character of the Southwest neighborhood.

- *The project should better respect the historical row homes to the south and southwest.*

As described above, the Applicant established a strong podium for the building that references the scale, massing, and materiality of the nearby row homes. The Applicant also expanded the ground floor walk-up unit entrances and incorporated traditional brick and masonry features to pay homage to the townhomes to the south.

- *The southwest corner of the building should be lower and provide better views into the site; increase light and air; lighten the grid in the Residential Scheme.*

In response, the Applicant revised the Southwest Pavilion in the Residential Scheme to reduce its height by two floors and provide additional setbacks and height step downs. The Applicant also incorporated additional glass abutting the portal section to increase the building's porosity. The Southwest Pavilion in the Mixed-Use Scheme was not revised since it already provided a significantly reduced height in this location. However, the Southwest Pavilion in both Schemes is composed of a glass and steel palette that allows for visibility into the Property and creates a smooth transition between the lower-density southwest neighborhood and the high density corner of M and South Capitol Streets.

In response to the comment to lighten the fenestration grid in the Residential Scheme, the Applicant reduced the mullion width and weight to appear more airy and glassy.

- *The building does not provide a strong enough gateway identity into the Southwest.*

As stated above, the Applicant designed both Schemes to ensure that they create an appropriately scaled and articulated identity at this important gateway location. While the base of the building is designed to reflect the scale and materiality of the low-rise townhomes to the south and southwest, the glass and concrete towers above frame the monumental views towards the Capitol, complement surrounding design traditions, and

anchor the building as a gateway development that respects the setting in which it is located.

- *The building should include more balconies, and those balconies should not obstruct views towards the Capitol or violate setback requirements.*

In direct response to this comment, and in order to provide additional outdoor space for building residents, the Applicant introduced balconies in the “hyphens” which are located on L Street in both Schemes and on South Capitol Street in the Residential Scheme. Along L Street, the balconies are fully compliant with the projection requirements set forth in the D.C. Construction Code Supplement. Along South Capitol Street, as discussed above, the added balconies allow the façade to be brought closer to the line of the view corridor towards the Capitol. These projections are also fully compliant with the projection requirements set forth in the D.C. Construction Code Supplement.

- *The project should include increased public space and green space on M Street.*

In response, the Applicant increased the M Street setback by three feet in both Schemes in order to incorporate additional green space and landscaping as part of the project. Doing so also creates a more gracious public space with wider sidewalks and an improved pedestrian experience. This type of activated public space will also enhance the gateway into the Southwest by providing more space for pedestrians and green space. Finally, both Schemes also include outdoor courtyards, terraces, and roof decks that provide significant and varied green spaces for building residents, visitors, and/or tenants to enjoy while simultaneously increasing the project’s overall sustainability.

- *The building should provide on-site dog relief area and ensure that it is frequently and adequately maintained to avoid drainage and disposal issues.*

To mitigate pet relief impacts on nearby public space, the Applicant incorporated a dog run on the roof of both Schemes for use by building residents. The Applicant will work with its property management division to ensure that the dog run operates properly and is cleaned regularly.

- *The building should not include any decorative neon lighting, and the project should have detailed information relating to the signage plan.*

In response to the ANC’s request, the Applicant commits that the project will prohibit the use of decorative neon lighting on the exterior of the building. In addition, the Applicant has provided signage plans with its architectural plans and drawings (Sheets 90 through 96 for the Mixed Use Scheme; Sheets 156 through 163 for the Residential Scheme).

- *The project should include affordable housing even though it is not required under the Zoning Regulations.*

In addition to providing comments on the building design and circulation elements, the ANC requested that the Applicant include affordable housing in the project. Pursuant to

11-I DCMR § 539.2, residential density located in the base building is not subject to Inclusionary Zoning due to the Property's D-5 zoning. The penthouse habitable space does generate an affordable housing requirement, which may be provided on-site or through an off-site contribution to the Housing Production Trust Fund. As described above, the Applicant will fully comply with the requirements to produce affordable housing for the penthouse habitable space.

The Commission has consistently determined that requests for affordable housing or other amenities are not properly before the Commission in a design review case. Specifically, the Commission has concluded that as a matter of law, the Commission's authority is limited to whether an applicant has met the design review, variance and special exception tests required by the Zoning Regulations and that any conditions of approval should be intended to mitigate identified adverse effects related to that review. *See* Z.C Order No. 16-06, Conclusion of Law No. 8. In this case, the project as proposed complies with all of the standards for the D-5 zone, and no special exception or variance relief is requested.


Despite there being no requirement, the Applicant is working with the ANC to provide additional affordable housing units within the project to address the concerns that have been raised. The Applicant will provide an update to the Commission on these discussions at the public hearing.

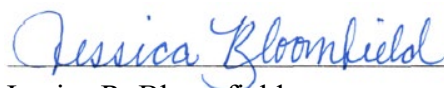
X. CONCLUSION

For the foregoing reasons, the application meets the requirements and standards for design review in the M and South Capitol Street Sub-Area. The Applicant has worked closely with the ANC and OP to provide project updates and to refine the final design aesthetic of the building in response to feedback. The Applicant looks forward to making a formal presentation on the application at the Commission's virtual public meeting on October 1, 2020.

Respectfully submitted,

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