

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Matt Jesick, Project Manager  
*JL for* Jennifer Steingasser, Deputy Director Historic Preservation and Development Review

**DATE:** January 14, 2022

**SUBJECT:** Public Hearing Report for Case #21-20, Steuart South Capitol Design Review in the CG-4 Zone

**I. RECOMMENDATION**

This application filed by Steuart Investment Company is for a new mixed-use building in a zone which establishes a mandatory review by the Zoning Commission. Evaluation of the subject application is against the criteria contained in Subtitles K Chapter 5 and Subtitle X Chapter 6.

OP recommends **approval** of the proposal. OP also recommends approval of the associated flexibility and special exception relief.

**II. SITE AND CONTEXT**

Address	South Capitol Street, SW; S Street, SW; and Half Street, SW
Legal Description	Square 662, Lot 801; 662E, Lot 800
Ward / ANC	6D
Zone	CG-4 (Capitol Gateway High Density Mixed Use)
Property Size	126,164 sf (entire record lot); 55,300 sf (Phase 1 only)
Historic District or Resource	None
Existing Development	Concrete plant
Adjacent Properties and Neighborhood Character	East – Heliport, also proposed for redevelopment. North – The northern part of this square is proposed for a second phase of this project, which will also be subject to design review; North of that site is the South Capitol Oval. West – Audi Field Parcel B development South – Mixed use high rise apartment building under construction.

### III. PROJECT DESCRIPTION

The applicant proposes a mixed use building with approximately 434 residential units and 17,495 sq.ft. of retail, with a height of 130 feet and 13 stories. The FAR, based on the entire record lot, would be 3.54<sup>1</sup>. The project would include retail at the corners of South Capitol and S Streets and at the corner of Half and S Streets SW. The residential lobby and associated spaces would occupy the center of the building on S Street.

The applicant would create a private alley through the center of the square – bridged over by this proposed building – to service this phase and future phases of development. The alley would be used for access to parking and loading, and could also be used for ride-share pick ups and drop offs. Vehicular circulation could return directly to Half Street, or continue through and around the building using the South Capitol Street right of way to connect back to S Street. The applicant has been in discussions with OP and DDOT about the nature of this public space, and while final designs have not yet been determined, all parties agree that it should serve pedestrians first, and any vehicular movement would be of secondary importance. This part of the South Capitol Street right of way does not connect to the Oval for vehicular traffic, as there will be a 12-foot grade change between the two spaces.

The building would meet the 15 foot setback requirement along South Capitol Street, and would also provide a setback along S Street to give more room for outdoor seating and pedestrian movement. The building façades would be comprised primarily of brick, metal panel and glass. The design proposes an artistic feature in the private alley to add visual interest to that space. The applicant should provide more details about what that feature could look like. Many of the units would have balconies, and communal open space would be located at the roof level. No residential units are proposed in the penthouse.

### IV. ZONING SUMMARY

The subject site is zoned Capitol Gateway-4, (CG-4), which “*is intended to permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions; encourage provision of active pedestrian-oriented streets with active ground floor uses, particularly along specified primary streets; and promote pedestrian safety by separating pedestrian and vehicular circulation patterns*” (K § 504.1). Pursuant to Subtitle K § 512, this zone includes a mandatory Zoning Commission review against specific criteria found in Subtitles K and X. The following table compares the proposal to the zoning, including the areas of requested flexibility, pursuant to X § 603, and special exception relief:

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<sup>1</sup> The applicant anticipates a total FAR for the record lot, once phase two of the project is constructed to the north, to be approximately 8, which would be permitted in this zone.

<b>CG-4</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Relief</b>
Lot Area	n/a	126,124 sq.ft. (entire record lot) 55,300 sq.ft. (Phase I land area)	Conforming
Residential Units	n/a	Approx. 434	Conforming
FAR K § 504.3	8.2 max.	3.54 (based on entire record lot) 7.92 (based on Phase I land area)	Conforming
Height K § 504.4	130 ft. max.	130 ft.	Conforming
Penthouse Height K § 504.5	20 ft. max. 2 stories (res./amenity + mech.)	20 ft., 2 stories	Conforming
Penthouse Setback C § 1504.1	<b>1 to 1 setback from open courts</b>	<b>Less than 1 to 1 setback from the temporary open court on the north side of Phase 1</b>	<b>Flexibility Requested</b>
No. of Penthouses C § 1503.1	<b>Multiple enclosures permitted for egress stairs and elevator overrides only</b>	<b>Second egress stair proposed to have small amount of mechanical space</b>	<b>Special Exception Requested</b>
Lot Occupancy K § 504.6	80% max. for residential	67% (based on Phase I land area)	Conforming
Rear Yard K § 504.8	2.5 in. / ft. of height (approx. 27 ft.)	246 ft.	Conforming
Side Yard K § 504.9	<b>2 in. / ft. of height (approx. 21.7 ft.)</b>	<b>15 ft. (South Cap. St. setback)</b>	<b>Flexibility Requested</b>
GAR K § 504.12	0.2	0.2	Conforming
Public Plaza K § 504.13	8% of lot area (10,090 sq.ft.)	15,482 sq.ft.	Conforming
Vehicular Parking K § 513.2(a)	No minimum	264 spaces	Conforming
Bicycle Parking C § 802	Res. Long term – 1 / 3 units Res. Short term – 1 / 20 units Retail Long Term – 1 / 10k sq.ft. Retail Short Term – 1 / 3.5K sq.ft.	174 total	Conforming
Loading C § 901	1 30 ft. berth 1 20 ft. space 1 100 sq.ft. platform	1 30 ft. berth 1 20 ft. space 1 200 sq.ft. platform	Conforming
S. Cap. Setback K § 510.1(b)(1)	15 ft. min.	15 ft.	Conforming
S. Cap. Street Wall K § 510.1(b)(1)	Min. of 60% of building face must be at the setback line	Complies	Conforming
S. Cap. Step Back K § 510.1(b)(3)	1-to-1 step back above 110 ft.	Complies with step back	Conforming
S. Cap. Vehicular Entrances K § 510.1(b)(4)	<b>No new parking or loading entrances</b>	<b>Private alley would intersect South Capitol Street</b>	<b>Flexibility Requested</b>

## V. REVIEW CRITERIA

The zoning for this site, in Subtitle K § 512, provides specific criteria for the Zoning Commission review of proposed developments. The following is OP analysis of the standards applicable to this application.

### **Subtitle K Design Review Criteria**

#### 512 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (CG)

##### 512.1 *The provisions of this section apply to properties:*

[...]

- (d) *Abutting South Capitol Street, other than renovation or replacement of an existing row dwelling within Squares 653 or 655; or for a minor addition not exceeding fifty percent (50%) of the gross floor area of the original row dwelling structure;*

The site fronts on South Capitol Street, so the project is subject to design review.

512.2 *With respect to those properties described in Subtitle K § 512.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.*

512.3 *In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle X and the relevant provisions of this chapter, 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:*

- (a) *Help achieve the objectives of the Capitol Gateway defined in Subtitle K § 500.1;*

The proposal would help achieve relevant objectives of K § 500.1, such as developing the neighborhood with residential uses and contributing to the establishment of South Capitol Street as a monumental civic boulevard.

- (b) *Help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;*

The applicant proposes a residential building of approximately 434 units, with ground floor retail.

- (c) *Be in context with the surrounding neighborhood and street patterns;*

The surrounding area has been industrial in nature for many years, and planning and zoning for the area anticipate complete redevelopment of the neighborhood with high-density mixed-use buildings. The proposed building would generally meet zoning requirements and would be in harmony with other approved or proposed development in the vicinity. The building and its surrounding public space would contribute to the walkable street pattern anticipated for the area.

- (d) *Minimize conflict between vehicles and pedestrians;*

The design of the project would encourage pedestrian activity. Construction would replace an industrial use that has heavy truck traffic with street-facing retail and residential uses. It would also create or enhance sidewalks around the site and consolidate all building service functions on a private alley. The site is part of the redevelopment of an industrial area that, when completed, will form a walkable neighborhood with important connections to the waterfront and major civic uses like the two stadia. The design would present active faces to the surrounding streets and wide sidewalks, and the plentiful balconies add visual interest and create eyes on the street.

- (e) *Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and*

The proposed design would minimize unarticulated blank walls. The design proposes an attractive façade and quality materials and detailing. At the ground level, the main façades would provide significant amounts of glazing to allow visual communication between the public realm and the retail and residential uses. At the location of the main lobby, an undulating glass façade would create additional visual interest along the street. The use of brick as the primary material on the slightly protruding corner bays create two strong markers at either end of S Street. The regular use of balconies, in addition to making units more livable, also help to add visual interest to the façade and add eyes to the street. On the north façade, which could be temporarily visible if later phases are not constructed concurrently with Phase I, it appears that the blank walls would be composed of “Brick 2”. See Sheet 25 of the plan set at Exhibit 11A. The applicant should confirm the material selection for those walls, as they could be visible for some time, and should indicate the support structure for the building “cantilevers” over the private alley.

- (f) *Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.*

The application indicates that the project would achieve a LEED Silver rating using the LEED Homes: Multifamily Midrise rating system. To more fully meet the intent of this provision, OP and DOEE have encouraged the applicant to commit to achieving LEED Gold certification, and strongly encouraged the applicant to provide onsite renewable energy generation. DOEE also makes those recommendations, among others, in their comments, included as Attachment 1.

512.6 *With respect to a building or structure that has frontage on South Capitol Street, S.E.:*

- (a) *The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a*

*manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;*

The building massing and streetscape landscaping would be conducive to the establishment of South Capitol Street as a monumental civic boulevard. As seen in the renderings on page 45 of Exhibit 11A, the building would help to frame right of way both looking toward the Capitol and south looking toward the subject site, in an area that currently lacks any sense of street wall. The form of the building would also meet required setbacks and step backs, tools that have established much of the urban design of the corridor.

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

The building would use a proposed private alley to provide access to all building service functions. While about three blocks from any long-established residential neighborhoods, the use of an alley would help to minimize the impacts for residents of this building and other nearby buildings currently under development or proposed for development.

- (c) *The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.*

Renderings toward the Capitol Dome, south along South Capitol Street toward the site, and toward the Anacostia River and Audi Field, are included in Exhibit 11A at pages 45 and 46. The building massing and streetscape landscaping would be conducive to the establishment of South Capitol Street as a monumental civic boulevard. Although at this distance and with significant landscaping near the building and in the Oval, it may be more difficult to get a clear view of the Capitol, the building would help frame the right of way in a portion of the street that currently lacks any street wall. The building would meet prescribed setbacks and step backs that define the urban design along South Capitol. On S Street, the building would help frame views both west and east, with the important landmarks of Audi Field and the new Frederick Douglass bridge serving and view termini, respectively.

### **Subtitle X Design Review Criteria**

#### **603 DESIGN REVIEW FLEXIBILITY**

- 603.1 *As part of the design review process, the Zoning Commission may grant relief from the development standards for height, setbacks, lot occupancy, courts, and building transitions; as well as any specific design standards of a specific zone. The design review process shall not be used to vary other building development standards including FAR, Inclusionary Zoning, or green area ratio.*

The applicant requests flexibility from penthouse setback, South Capitol Street access and side yard requirements. OP recommends approval of the requested flexibility.

	<b>Requirement</b>	<b>Proposed</b>
Side Yard	~21.7 ft. min.	15 ft.
Penthouse next to an open court	1 to 1 setback	Less than 1 to 1
South Capitol Street Access	No driveways onto S. Cap.	Private alley accessing South Capitol

603.2 *Except for height, the amount of relief is at the discretion of the Zoning Commission, but provided that the relief is required to enable the applicant to meet all of the standards of Subtitle X § 604. The Zoning Commission may grant no greater height than that permitted if the application were for a PUD.*

The requested flexibility would help to achieve the design review standards of Section 604. Setting the penthouse back toward the building’s court would minimize its appearance from the streets to the south, east and west, and the penthouse will ultimately be blocked from view from the north. That design would also provide contiguous outdoor amenity space for residents. The flexibility requested for the alley intersecting South Capitol Street would help achieve zoning goals of minimizing conflicts between pedestrian and vehicles, while maximizing the amount of street-activating uses on South Capitol, S and Half Streets. The flexibility for side yard would allow the project to meet important regulations – the 15 ft. South Capitol setback and build-to requirements – that have been key factors in the urban design of this important corridor.

604 *DESIGN REVIEW STANDARDS*

604.1 *The Zoning Commission will evaluate and approve or disapprove a design review application subject to this chapter according to the standards of this section and for Non-Voluntary Design Reviews subject to this chapter according to the standards stated in the provisions that require Zoning Commission review.*

604.2 *For Non-Voluntary Design Review, the application must also meet the requirements of the provisions that mandated Zoning Commission approval.*

The requirements of Subtitle K are reviewed above.

604.3 *The applicant shall have the burden of proof to justify the granting of the application according to these standards.*

604.4 *The applicant shall not be relieved of the responsibility of proving the case by a preponderance of the evidence, even if no evidence or arguments are presented in opposition to the case.*

604.5 *The Zoning Commission shall find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.*

The project would not be inconsistent with the Comprehensive Plan. The plan specifically describes South Capitol Street as a location for new development, including high density residential (LU-1.1.5). That same policy goes on to encourage pedestrian friendly designs and high quality architecture. The Land Use Element also generally encourages infill development near metro stations, especially stations located near underutilized land (LU-1.3.2 and LU-1.4.1). Similarly, the Transportation Element calls for transit oriented development and supporting pedestrian improvements near metro stations (T-1.1.4). The Urban Design Element includes a number of policies which seek to protect and enhance important views like the view toward the Capitol (UD-1.2.4, 1.4.1, and 1.4.3). South Capitol Street is specifically called out as an important symbolic street which would benefit from design improvements (UD-1.4.5).

The project would also further the policies of the Lower Anacostia Waterfront and Near Southwest Element. Those policies seek to “*transform South Capitol Street into a great urban boulevard and “walking” street, befitting its role as a gateway to the U.S. Capitol...*” (AW-2.2.1).

The Generalized Policy Map shows the subject site as part of a Neighborhood Enhancement Area, and the Future Land Use Map designates the site as appropriate for High Density Residential and High Density Commercial mixed use. The project would not be inconsistent with those designations.

### **Comprehensive Plan Analysis through a Racial Equity Lens**

The Comprehensive Plan requires the Zoning Commission and staff to examine city policies through a racial equity lens. Racial equity is a broad and encompassing goal of the entire District government. As explained in the Framework Element of the Comp Plan,

*[t]he District seeks to create and support an equitable and inclusive city. Like resilience, equity is both an outcome and a process. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality. Framework Element, § 213.6*

At root, equity refers to fairness and justice and is distinguished from equality. Practicing equity means recognizing that individuals start life with varied economic, racial and social backgrounds and will be confronted with and experience barriers and access to opportunities differently. It is important for public policy to acknowledge and recognize those differences and make adjustments to reduce and eliminate inequity. For example, due to the history of racism, including past and present discriminatory practices and the legacy of systemic racism, Black residents of the District,



on average, have considerably less household wealth than white residents, face more negative health outcomes, and incur more challenges to accessing opportunity than white residents.<sup>2</sup>

The updated Comprehensive Plan further recognizes that advancing equity requires a multifaceted policy approach:

*Equitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices that reduce and ultimately eliminate disparities while fostering places that are healthy and vibrant. Equitable development holistically considers land-use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities. As the District grows and changes, it must do so in a way that encourages choice, not displacement, and builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes and share in the benefits of the growth, while not unduly bearing its negative impacts. Framework Element, § 213.7*

Particularly relevant is Section 2501.7 of the Implementation Element’s call for “the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.”

The direction to consider equity “as part of [the Zoning Commission’s] Comprehensive Plan consistency analysis” indicates that the equity analysis is intended to be based on the policies of the Comprehensive Plan and whether a proposed zoning action is “not inconsistent” with that plan, rather than on a separate determination about a zoning action’s equitable impact. Whenever the Commission considers Comprehensive Plan consistency, the scope of the review and Comprehensive Plan policies that apply will depend on the nature of the proposed zoning action before the Commission and what aspects of the outcome the Zoning Commission can control.

Equity is discussed throughout the Comprehensive Plan. In the context of zoning, certain priorities stand out. These include affordable housing, displacement, and access to opportunity. One of the key ways the Comprehensive Plan seeks to address equity is by supporting additional housing development, particularly on currently vacant lands. The Plan recognizes that without increased housing the imbalance between supply and demand will drive up housing prices in a way that creates challenges for many residents, particularly low-income residents. The Comprehensive Plan further recognizes the importance of inclusionary zoning requirements in providing affordable housing opportunities for households of varying income levels.

Speaking generally, the production of more housing decreases the upward pressure on overall housing prices. This project would provide a large number of market rate units, and would also comply with the provision of inclusionary zoning requirements consistent with inclusionary zoning. This would result in 43 units, according to Sheet 40 of Exhibit 11A. Those units appear to have a generally equitable distribution throughout the building, with 24 IZ units facing the

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<sup>2</sup> Comprehensive Plan Housing Element 512.2

interior courtyard, and 19 facing the exterior. The applicant could examine ways to place some of the two bedroom IZ units on the exterior of the building.

By providing new housing, including affordable housing, within walking distance of transit, the application would provide a housing option for individuals who rely on transit to get to work. This housing location would be a short metro ride away from many job opportunities in the downtown core. Walking or biking to work would also be an option, either to downtown or to employment areas such as the Navy Yard and surrounding area. Housing at this location, currently vacant land, would not result in the displacement of any existing residents.

The project would also tend to lead to a healthier community. Creating a walkable neighborhood would mean fewer residents using automobiles for travel, resulting in less pollution. Redeveloping an industrial use should also result in less particulate pollution, less-polluted stormwater runoff, and less total runoff from the site. In order to maximize the project's environmental benefits for the city, OP has encouraged the applicant to achieve LEED Gold certification in their design, and maximize solar energy generation. This project would also improve key pedestrian links to the waterfront and waterfront trails. Improving equity in the city would include improving access to recreational features and the natural environment for all portions of the city's population.

### **Buzzard Point Vision Framework**

In 2017 the Office of Planning concluded work on the Buzzard Point Vision Framework, a planning document that set forth a vision for Buzzard Point's redevelopment, including private development and the reimagining of public spaces. The Framework envisioned environmentally friendly development and active streetscapes – especially S Street, which is to serve as a connector between the soccer stadium and the waterfront, with an important civic plaza at the intersection of S and South Capitol. The applicant is working with city agencies on the design of the plaza and nearby public places. The public space immediate surrounding the subject site would create an important connection in the S Street corridor, and the ground floor uses will help to enliven the street. The building could more fully meet the sustainability goals of the Framework by achieving LEED Gold and by providing renewable energy generation on site.

*604.6 The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.*

The proposed development should not affect neighboring properties adversely. A building of this scale will be compatible with other nearby approved or proposed developments, which will all likely have similar heights and densities. The redevelopment of an industrial site could lessen some existing impacts to nearby property. This project would also be in keeping with the intent of the planning for the area, and the intent of the Zoning Regulations, which anticipate redevelopment of this area with large-scale, mixed use buildings. The project would be consistent with the height and FAR permitted in the zone.

604.7 *The Zoning Commission shall review the urban design of the site and the building for the following criteria:*

- (a) *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;*

The design of the project would encourage pedestrian activity. An existing industrial use that has significant heavy truck traffic would be replaced with new development with street-facing retail and residential uses. The development would also create or enhance sidewalks around the site and consolidate all building service functions on a new private alley. The site is part of the redevelopment of an industrial area that, when completed, will form a very walkable neighborhood with important connections to the waterfront and major civic uses like the ballpark and soccer stadium. The design would present active faces to the surrounding streets and wide sidewalks, and the plentiful balconies add visual interest and create eyes on the street.

- (b) *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;*

The proposed development would include a required setback area along South Capitol Street, and a proffered setback area along S Street. These open spaces would provide extra space for pedestrian circulation and outdoor seating for restaurants. The applicant has also been in discussions with District agencies regarding the proposed plaza area within the South Capitol Street right of way. This space would be primarily for pedestrians and could include outdoor seating and other features for public relaxation and recreation.

- (c) *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;*

Renderings toward the Capitol Dome, south along South Capitol Street toward the site, and toward the Anacostia River and Audi Field, are included in Exhibit 11A at pages 45 and 46. The building's massing and streetscape landscaping would be conducive to the establishment of South Capitol Street as a monumental civic boulevard. Although at this distance and with significant landscaping near the building and in the Oval it may be more difficult to get a clear view of the Capitol, the building would help frame the right of way for a portion of the street that currently lacks any street wall. The building would meet prescribed setbacks and step backs that define the urban design along South Capitol. On S Street, the building would help frame views both west and east, with the important landmarks of Audi Field and the new Frederick Douglass bridge serving as view termini. The proposed structure would be in harmony with other new or planned buildings in this area, and consistent with planning and zoning height and massing expectations.

- (d) *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;*

The design proposes an attractive façade and quality materials and detailing. At the ground level, the main façades would provide significant amounts of glazing to allow visual communication between the public realm and the retail and residential uses. At the location of the main lobby, an undulating glass façade would create additional visual interest along the street. The use of brick as the primary material on the slightly protruding corner bays create two strong markers at either end of S Street. The regular use of balconies, in addition to making units more livable, also help to add visual interest to the façade and add eyes to the street.

On the north façade, which could be temporarily visible if later phases are not constructed concurrently with Phase I, it appears that the blank walls would be composed of “Brick 2”. See Sheet 25 of the plan set at Exhibit 11A. The applicant should confirm the material selection for those walls, as they could be visible for some time, and should indicate the support structure for the building “cantilevers” over the private alley.

- (e) *Sites are designed with sustainable landscaping; and*

In addition to the green roof, the applicant proposes to plant new street trees with bioretention areas in public space. Page 5 of Exhibit 3 states that a “majority” of plantings on the site would be native species. OP encourages the applicant to maximize the use of native species for landscaping. The project would meet GAR requirements, but OP encourages the applicant to achieve LEED Gold with certification, and to provide solar power generation on-site.

- (f) *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.*

The project would promote vehicular connectivity, but would especially promote pedestrian connectivity around the site and between the soccer stadium and the waterfront. The applicant will be improving streets around the site and creating a private alley through the square to facilitate the movement of vehicles with a minimal amount of impact to pedestrian movements. The enhanced sidewalks and public spaces will allow pedestrians to walk past the site in an enjoyable environment, and will meet planning guidance regarding the enhancement of S Street to form an important connector between the Anacostia waterfront and Audi Field. The project would also provide 174 bicycle parking spaces to serve residents and retail uses.

*604.8 The Zoning Commission shall find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site.*

The proposed building and site design meet the criteria in a way that would be superior to a building not subject to design review.

### **Special Exception Analysis**

The applicant has requested special exception relief from the prohibition on multiple mechanical rooftop enclosures contained in C § 1503.1. Relief can be granted pursuant to the criteria of C § 1506. Those criteria are reviewed below. OP recommends approval of the special exception.

*1506.1 Relief from the requirements of Subtitle C §§ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to:*

- (a) *The special exception requirements of Subtitle X, Chapter 9;*

Granting the special exception relief should not result in significant impacts on nearby properties. The proposed design is intended to provide space for the mechanical equipment required for the building but minimize the amount of mechanical penthouse space on the roof. The applicant therefore proposes to separate a small mechanical space on the eastern side of the building from the main mechanical penthouse. This would minimize the visibility of the penthouses, rather than have one large continuous structure. It would also maximize tenant outdoor amenity space on the roof. The visibility of the rooftop structures from below would be further reduced once the proposed second phase of development on this square is constructed. Granting the relief would also be consistent with the intent of the Regulations, which is to minimize the visibility of rooftop structures. The design of the space would be in keeping with the zoning intent by using materials compatible with the architecture of the rest of the building.

- (b) *The applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

This special exception does not request setback relief, though the applicant has requested interim penthouse setback flexibility pursuant to the design review. It would appear from the rooftop plan on Sheet 38 of Exhibit 11A, and the elevation on Sheet 25, that the penthouse in question would be part of that flexibility request.

- (c) *The applicant's demonstration of at least one (1) of the following:*
- (1) *The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*
  - (2) *The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall;*
  - (3) *The relief requested would result in a penthouse or rooftop structure that is visually less intrusive; or [...]*

For the reasons stated above, requiring enclosure of all mechanical equipment into one rooftop structure would be unreasonable. That requirement would result in a structure larger than required and likely more visible than necessary. The smaller penthouse structure on the east would be a better design for the overall roof, would not appear to be an extension of the building wall, and would be visually less intrusive than a matter of right design.

## **VI. AGENCY COMMENTS**

OP has received comments from DOEE and FEMS. Those comments are included in the attachments to this report. DHCD also emailed OP with the following comments:

DHCD has no objection to the design review application. I didn't see any specifics of the affordable housing proposed, other than that they'll meet the IZ requirements, but DHCD requests that they do more than just meet the IZ requirement – specifically, providing more square footage than required and/or deeper affordability.

## **VII. ANC COMMENTS**

The ANC submitted a letter in support of the project at Exhibit 9.

## **VIII. COMMUNITY COMMENTS**

As of this writing the record contains no comments from the community.

## **IX. ATTACHMENTS**

1. DOEE Comments
2. FEMS Comments

## **Attachment 1 DOEE Comments**

### **DOEE Development Review Comments ZC 21-20: Steuart Buzzard Point**

DOEE recognizes the applicant's commitment to certify the project at the LEED v4 Silver level and appreciates that the applicant is using the LEED Homes: Multifamily Midrise rating system, which is best suited for this project and offers the greatest benefits for future residential tenants. DOEE encourages the applicant to pursue certification at the Gold level and to pursue environmental benefits beyond the LEED rating system. The following recommendations are intended to assist the applicant with incorporating sustainable design and construction strategies that will yield higher LEED scores and minimize the project's impact on the environment.

Many of these strategies can be financed with no upfront cost through [DC PACE](#). The [DC Green Bank](#) and the [DC Sustainable Energy Utility](#) (DCSEU) also offer innovative financial products and technical assistance to help projects gain access to capital. To learn about project-specific financing options, contact Crystal McDonald at [cmcdonald1@dcseu.com](mailto:cmcdonald1@dcseu.com) or complete DCSEU's [Custom Rebate Form](#).

#### **Energy Performance and Electrification**

If the applicant is looking to increase their commitment to sustainability, some of the most significant gains would be in the areas of energy efficiency and maximization of on-site renewable energy, both of which are District priorities. Maximizing energy efficiency at the time of construction will more cost effectively assist in meeting [Building Energy Performance Standards](#) (BEPS) in the future. The BEPS program was established in Title III of the Clean Energy DC Omnibus Act of 2018. The Act states that starting in 2021, owners of buildings over 50,000 square feet that are below a specific energy performance threshold will be required to improve their energy efficiency over the next 5 years. Projects below the performance threshold will be able to choose between a performance pathway, which requires that they document a 20% reduction in energy usage over the 5-year compliance period, or a prescriptive list of required energy efficiency measures. The next BEPS will be established in 2027 and again every six years, and the compliance threshold will increase each cycle. New projects are encouraged to maximize energy efficiency during the initial design and construction in order to meet BEPS upon completion.

In line with the District's goal of carbon neutrality and the objectives of the [Sustainable DC 2.0](#) and [Clean Energy DC](#) plans to reduce greenhouse gas emissions, DOEE encourages the applicant to design the building to be fully electric (i.e., eliminate the on-site combustion of fossil fuels). DOEE and DCRA are evaluating options to include building electrification requirements in future code updates. Building electrification involves powering all building appliances and systems

(e.g., domestic hot water, heating equipment, cooking equipment) with electricity rather than fossil fuels (e.g., natural gas or fuel oil). Efficient electric systems reduce indoor air pollution caused by combustion equipment and can save on operating costs, especially when coupled with solar energy. All-electric buildings can also save on construction costs by avoiding the need to install gas piping. It's easier and more cost-effective for new construction to be designed with electric systems than it is to retrofit buildings later, so DOEE strongly encouraging projects to evaluate electric options as part of their initial energy modeling exercises. For more information about building electrification in the District, visit [this resource page](#) created by the Building Innovation Hub.

DOEE encourages the project to provide electric vehicle charging stations or install make-ready infrastructure so that charge points can be added at a later date. One [study](#) found that the cost to install EV capable infrastructure during new construction is four to six times less expensive than during a standalone retrofit. The [2017 DC Green Construction Code](#) provides some suggested thresholds for the provision of supply equipment and make-ready infrastructure. EV resources and information about available incentives are available at <https://doee.dc.gov/service/electric-vehicles-resources>.

### **Net-Zero Energy**

Clean Energy DC, the District's detailed plan to reduce greenhouse gas emissions, calls for net-zero energy (NZE) building codes by 2026. DOEE encourages the project to explore net-zero energy construction/certification ahead of this planned code requirement. An NZE building is a highly energy-efficient building that generates enough on-site, or procures acceptable offsite, renewable energy to meet or exceed the annual energy consumption of its operations. NZE buildings can benefit both owners and tenants through significantly lower operating costs, improved occupant comfort and improved indoor air quality. Under the [2017 District of Columbia Energy Conservation Code](#), projects can use Appendix Z as an alternative compliance pathway, which provides a working definition and guidance for NZE.

DOEE has published a *Net-Zero Energy Project Guide*, a *Multifamily Guide*, and an *Integrated Design Charrette Toolkit* to assist project teams with planning, designing, constructing and operating NZE buildings. These and other resources can be found at <https://doee.dc.gov/service/greenbuilding>. If the applicant is interested in NZE construction, either on this project or future projects, DOEE can be of assistance. Please reach out to Connor Rattey at [connor.rattey@dc.gov](mailto:connor.rattey@dc.gov) for more information.

### **Solar**

DOEE encourages the applicant to incorporate solar energy generation into the project's design and recommends consulting with an expert from DCSEU to learn about custom rebate options and other financial incentives for renewable energy and energy efficiency measures.

Maximizing solar energy production will contribute to achieving the District's goals to rely on 100% renewable electricity by 2032 and increase local solar generation to 10% of total electricity by 2041. As a result of the District's commitments, there are many financial



incentives to install solar. One way that the project can maximize solar energy production is to integrate solar photovoltaic arrays into green roofs. See the GAR and Stormwater Management section below for more details.

### **Climate Resilience**

In order to prepare for the impacts of climate change, including increased flooding and extreme heat, DOEE encourages the team to assess how climate change will affect the project and to incorporate resilient design strategies. As part of the [Climate Ready DC Plan](#), DOEE released [Resilient Design Guidelines](#) to assist project teams considering climate resilient design. Additional DOEE Climate Adaptation and Preparedness resources are available at <https://doee.dc.gov/climateready>.

LEED offers [Resilient Design pilot credits](#) that guide project teams through identifying climate risks and mitigation strategies. USGBC offers [RELI 2.0](#), a dedicated rating system for resilient design and construction.

### **Flood Hazard**

The proposed project site is located partially within the Zone X (shaded) flood hazard area, which is the area that will be inundated by a flood event having a 0.2-percent chance of being equaled or exceeded in any given year. This flood zone is also known as the "500-year floodplain." Currently, only the 100-year floodplain is regulated by the District's Flood Hazard Rules (Title 20 DCMR Chapter 31), but DOEE has proposed updates to the Flood Hazard Rules that would expand the regulatory jurisdiction to also include the 500-year floodplain. DOEE aims for the proposed updated Flood Hazard Rules to enter the formal rulemaking process in early 2022.

If the structure is located wholly or partially within the 500-year floodplain, the proposed updated Flood Hazard Rules would require all dwelling units to be elevated above the regulatory Design Flood Elevation, which is estimated to be 14.2 feet NAVD88 at this site. (As DC's flood risk is projected to increase due to climate change, the developers may also wish to consider designing to one of the sea level rise-adjusted flood elevations listed in Section 2 of the [Resilient Design Guidelines](#)). Only nonresidential uses would be permitted below the DFE. Such uses, including underground parking, would need to be dry-floodproofed with flood shields and structural components resistant to flood loads in accordance with ASCE 24-14, [FEMA Technical Bulletin 3](#), and [FEMA Technical Bulletin 6](#). Additional guidance is available from FEMA's P-2037 manual ("[Flood Mitigation Measures for Multi-Family Buildings](#)"). Dry-floodproofing designs would need to be certified by a qualified design professional using FEMA Form 086-0-34 ([NFIP Floodproofing Certificate for Nonresidential Structures](#)). The proposed updated Flood Hazard Rules would also require an encroachment analysis certified by a Professional Engineer to indicate that any fill or structures located in the 500-year floodplain would not cause an increase in the design flood elevation.

Note that the proposed structure would not be subject to the proposed updated Flood Hazard Rules if it is designed to have a footprint that completely avoids intersecting the 500-year

floodplain. Clustering development on the portion of the site that is outside of that floodplain would reduce flood risk and regulatory impacts. Alternatively, if the site has an existing grade that is above the 500-year flood elevation, a Letter of Map Revision (LOMR) could be used to remove it from the 500-year floodplain.

The updated Flood Hazard Rules are proposed to have a 180-day vesting and transition period. Additional exceptions are proposed to apply to projects that have reached certain design milestones or received conflicting approvals (such as a variance or special exception from the Board of Zoning Adjustment) prior to the effective date of the update. For details, see [Workshop #3 Presentation](#). Further details on the proposed updated Flood Hazard Rules provisions and timeline are available at: <https://doee.dc.gov/publication/title-20-chapter-31-flood-hazard-rules>

### **Green Area Ratio and Stormwater Management**

DOEE encourages the applicant to exceed the minimum GAR and stormwater requirements. This project is located in an area of the District that has a municipal separated storm sewer system (MS4), which means that stormwater runoff is discharged, untreated, into local water bodies. Stormwater from this project site is discharged into the Anacostia River. Stormwater management strategies used by projects located in the MS4 are more environmentally beneficial than those used by projects in the combined sewer system (CSS). Additional on-site stormwater retention can earn the project Stormwater Retention Credits (SRCs) that can be sold through DOEE's Credit Trading Program. SRCs can be sold directly to DOEE through the SRC Price Lock Program (for projects located in the [MS4 Sewer System](#) only) or sold on the open market. For more information, please visit <https://doee.dc.gov/src> or email Matt Johnson at [src.trading@dc.gov](mailto:src.trading@dc.gov).

DOEE encourages the applicant to incorporate solar energy generation into the building's green roof design, which can be accomplished without diminishing the project's GAR or stormwater requirement compliance. DOEE has issued guidance on how to successfully incorporate solar into green roofs on pages 41 & 42 of the [2020 Stormwater Management Guidebook](#).

DOEE is prepared to meet with the project team to discuss GAR and stormwater opportunities on the project site. To set up a review meeting with the stormwater team at DOEE, please contact Ayende Thomas at [ayende.thomas@dc.gov](mailto:ayende.thomas@dc.gov).

## Attachment 2 FEMS Comments



### Government of the District of Columbia Fire and Emergency Medical Services Department



John A. Donnelly, Sr.  
Fire and EMS Chief

FIRE PREVENTION DIVISION

#### MEMORANDUM

TO: Matthew R. Jesick  
DC Office of Planning

FROM: Spencer A. Hamm  
DCFEMS / Fire Marshal's Office

DATE: December 17, 2021

RE: Proposed Building on Lot 801 in Square 662 and Lot 800 in Square 662E

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This written correspondence is being forwarded to your office to address the proposed building on Lot 801 in Square 662 and Lot 800 in Square 662E, that was submitted to DCFEMS Office of the Fire Marshal for review.

Based on our review, DCFEMS Office of the Fire Marshal has no objection to this project moving forward. However, the applicant is to ensure that all fire department access and service feature requirements are in accordance with DCMR 12-H Fire Code Supplement, 2017 edition, and the International Fire Code, 2015 edition.

If you have any questions or concerns, please do not hesitate to contact my office at (202) 727-1614.

Sincerely,

Spencer A. Hamm  
BFC/ Assistant Fire Marshal  
DCFEMS – Fire Marshal's Office

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