

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

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

**5 M STREET, SW
SQUARE 649, LOTS 43, 44, 45 & 48**

June 22, 2020

HOLLAND & KNIGHT LLP
800 17th Street, N.W. #1100
Washington, D.C. 20006
(202) 955-3000
Christine M. Shiker
Jessica R. Bloomfield

I. BACKGROUND

VNO South Capitol LLC and Three Lots in Square 649 LLC (together, the “Applicant”), hereby submit this application to the Zoning Commission of the District of Columbia (the “Zoning Commission”) for review and approval of a mixed-use development project located at 5 M Street, SW (Square 649, Lots 43, 44, 45, and 48¹) (the “Subject Property”). The Subject Property comprises the significant majority of Square 649, excluding only the northeast corner of the Square known as Lot 47 (“Lot 47”). The Subject Property is zoned D-5 and is located in the M and South Capitol Streets Sub-Area.

This application is submitted pursuant to the design review provisions of Subtitle I, Section 616.8 and Subtitle I, Chapter 7 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The Subject Property is subject to design review by the Zoning Commission due to its location within the M and South Capitol Streets Sub-Area. *See* 11-I DCMR §§ 616 and 701.²

A. The Subject Property

The Subject 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 Subject Property is currently improved with a single story retail structure on Lot 48 and is otherwise used as surface parking. The Subject Property includes a total of approximately 75,656 square feet of land area and comprises approximately 75% of Square 649. As shown on the Zoning Map attached hereto as Exhibit A, the Subject Property is located in the D-5 zone district.

B. The Surrounding Neighborhood

The Subject Property is located between the Navy Yard and Southwest Waterfront neighborhoods of the District, approximately one block to the north Nationals Park and to the north of Buzzards Point. It is approximately three blocks to the west of the Navy Yard Metrorail station and four blocks to the east of the Waterfront Station Metrorail Station. The Subject Property has frontage on four streets, including the major urban boulevards of M Street, SW and South Capitol Street. The Subject Property is approximately three blocks south of the Southeast Freeway.

The surrounding neighborhood is improved primarily with a variety of high-density mixed use residential towers, office buildings, and hotels. Lot 47, the adjacent property in Square 649 which also fronts South Capitol Street, is currently vacant but is permitted to be developed with a building having the same height and density as proposed for the Subject Property. While also currently vacant, the block immediately to the north of the Subject Property (Square 648) fronts

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

² The application is not subject to the design review flexibility or standards set forth in 11-X DCMR, Chapter 6. *See* Design Review Applicability at 11-X DCMR § 601.1, stating that “[*except for Subtitle I*, this chapter applies to any instance when the Zoning Regulations require Zoning Commission review of any building, structure, or use other than a campus plan” (emphasis added). However, the application is being filed in accordance with the design review application requirements of 11-Z DCMR § 301, including the notice requirements of 11-Z DCMR § 301.6-301.8. The application is being processed as a contested case pursuant to 11-Z DCMR § 201.2(a).

on South Capitol Street and is permitted to be developed with buildings having the same height and density as proposed for the Subject Property. The lots located along South Capitol Street to the immediate south of the Subject Property are permitted to be developed with buildings having a height of 110 feet. Immediately across from Nationals Park is the Camden South Apartments and a large site that is currently in development planning for a residential building. Lower-density, two-story residential uses are located to the south and southwest of the Subject Property, south of M Street.

C. The Project

As shown on the Architectural Plans and Elevations submitted herewith and attached as Exhibit B (the “Plans”), the Applicant proposes to develop the Subject Property as a mixed-use project with residential, office, and ground floor retail uses (the “Project”). The Project will include approximately 582,181 square feet of gross floor area (“GFA”) (approximately 7.7 floor area ratio (“FAR”)), comprised of approximately 371 residential units, approximately 226,132 square feet of office use, and approximately 25,427 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. 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.

As shown on the Plans the Project will be divided into “Phase A” on the southern portion of the Subject Property and “Phase B” on the northern portion of the Subject Property. Phase A will be an office tower with ground floor office amenity space and retail at the corner of M and South Capitol Streets. Phase B will be a residential tower with walk-up residential units on the ground floor. The two towers will be connected via a meaningful connection through the pavilion (described below) and will be a single building for zoning purposes.

The Applicant requests flexibility to replace the proposed office use in Phase A with additional residential use. In the event this flexibility is used, the overall building will include approximately 686,265 square feet of GFA (approximately 9.1 FAR), which will include approximately 688 residential units and approximately 23,850 square feet of retail use. Architectural refinements would occur to the Project at the corner of Half and M Streets, SW, and at the northernmost portion of the South Capitol Street frontage, as shown on the Plans. The two residential components would also include a meaningful connection and would be a single building for zoning purposes. This primarily-residential scheme is hereinafter referred to as the “Residential Alternative.”

The Project has been designed with a centralized, two-way private driveway system to provide access to below-grade parking, internal loading, and internal passenger drop off areas. The Project’s below-grade parking garage will include approximately 403 vehicle parking spaces (reduced to approximately 311 spaces in the Residential Alternative) that will be accessed from the private drive. Loading is also accessed via the private drive and has been designed to accommodate front-in, front-out truck access. The loading facilities include three 30-foot loading berths and two 20-foot service/delivery spaces, which exceed the zoning requirement for both the Project and the Residential Alternative. Long- and short-term bicycle parking will be provided in the amounts and in locations consistent with the Zoning Regulations. Interior bicycle storage rooms will be located on the ground and first garage levels of the building with access via the

garage ramp or shuttle elevators. Short-term exterior bike parking will be located at all street frontages. Two-way traffic for pedestrian pick-up and drop-off will be provided internal to the Subject Property within the east-west portion of the private drive.

The primary pedestrian entrances to the Project 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. The Project incorporates large terraces and openings, including an occupiable terrace at 110 feet facing South Capitol Street. As described below, the base of the building is scaled to match 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. A varied roofline along M Street is established, including varied setbacks, which complements the Southwest design traditions. Similarly, a modernist concrete and glass palette for the towers is used to maintain consistency with neighborhood design aesthetics.

The Project has been fully designed for both the mixed-use scheme (i.e., the Project) as well as the Residential Alternative. In both schemes, the architectural design blurs the line between office and residential. The upper 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 to provide a unified presence in the neighborhood. The large windows allow for the outside to be brought into the office or residential user, which is further enhanced by the fact that the windows for the residential component of the Project are created to be operable. Large balconies which mimic rotated hopper windows are interspersed and are distinctive design element for the Project.

At the corner of M and South Capitol Streets, the building incorporates projecting bays within large gridded fenestration to emphasize the importance of this gateway location. The scale of the grid of the upper massing (one structural bay wide by two floors (for the Project) or three floors (for the Residential Alternative)), the smooth texture of the precast, and the interlocking forms work together to create a design that anchors the Project as a gateway development 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.

For the Project, the gridded fenestration continues for the length of South Capitol Street with four bays and a lower connection between the building and the adjacent Lot 47. The result allows for continuous windows and light into the office component along the northern façade. In the Residential Alternative, the gridded fenestration along South Capitol Street extends for three bays. A separate architectural fenestration is then applied for the remainder of the building as it abuts Lot 47 to the north. In an effort to provide contrast – both in material texture and for the scale of window openings – the brick base has been expanded vertically for this portion of the building, with deep-set individual punched windows. This component is also set back three feet, four inches from the property line to allow the primary fenestration to wrap to the west. The height of this element is maintained at 110 feet with no penthouse to allow views from the upper story behind it, including providing a setback terrace at the top story.

At the base of the building along M and South Capitol Streets, the building incorporates a two- to three-story brick podium that provides a horizontal connection to the low-rise buildings to the south and west. The masonry materials for the base create a visual anchor for the scale of the upper level massing, and the brick texture provides contrast to the broader texture of the precast above. With openings that scale down from the large proportions of the upper level massing to the single story expressions at the base, the podium is both reflective of the low-rise context that exists to the south and southwest while providing an appropriately-scaled base to the tower above.

At the southwest corner of the building (M and Half Streets, SW), the massing of the building is lowered and the architecture reflects a change to break down the scale of the building as it further enters Southwest. This southwest corner – opposite the corner of South Capitol and M Streets, SW – further underscores the lower-rise heights of the surrounding southwest neighborhood context. The program at the corner is envisioned as a flexible pavilion space with interlocking low-rise volumes. 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 pavilion, which is at the same slab elevation as the office building and is connected via exterior terraces, is anticipated to contain office space. The pavilion is also the location for the “meaningful connection” between the office and residential components of the Project. Ground level access into the pavilion will be provided from M Street. A partially-elevated exterior terrace above the pavilion will be provided to create additional outdoor amenity space. Shuttle elevators located within the pavilion will be provided to access the parking below and all levels of the pavilion.

The pavilion design and program is unchanged for the Residential Alternative, except that (i) there is no mezzanine; (ii) the primary use of the second level is residential; and (iii) the second level is at the same slab elevation as the adjoining residential space. The massing of this portion of the building steps inward to provide a varied roofline, outdoor terraces, and expanded vistas for the adjoining residential towers. The architectural treatment also transitions at this corner to remove any masonry elements, focusing on a modern glass and steel palette, including balconies that mimic rotated hopper windows which as noted above are used throughout the building.

The brick base continues around the Project along Half and L Streets to accommodate retail, building entries, and amenities. Walk-up units along L Street feature individual residential patios defined by a low garden wall at the property line. The fenestration for the base along these locations are double-height openings intended to evoke the proportions of individual row homes, similar to those of the existing row homes south of M Street. The upper massing and fenestration above the brick base is a continuation of the precast grid. Mixed within the grid are the rotated balcony versions of the hopper window concept. Outwardly rotated to four feet beyond the property line, the windows reflect the residential program and provide a variety to the unit mix. At the corner of L and Half Streets, the interlocking corner provides additional balconies and triple-height terraces. There is no architectural difference for this component of the building for either the Project or the Residential Alternative.

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 Project 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 lawn areas, private terraces for residential units, visual green areas and bioretention areas that act as a buffer from the office use (for the mixed-use scheme), and opportunities for a water feature and/or art walls.

The roof levels will include outdoor terraces and amenity space for building residents and office tenants. 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 the Project, 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.

The streetscape surrounding the Property 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.

D. Affordable Housing Contribution Generated by Penthouse Habitable Space

The penthouse habitable space proposed for the Project will generate an affordable housing requirement that the Applicant will meet 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 Project will be a single, mixed-use building that has both residential and non-residential uses. The portion of the Project devoted to residential use will include a penthouse with approximately 1,135 square feet devoted to residential units (which includes a prorated area of shared corridor space). Thus, approximately \$111,580 will be contributed to the HPTF generated by the residential units in the penthouse, based on the estimated 2021 assessed value. *See* 11-C DCMR § 1001.2(a)(3) establishing an Inclusionary Zoning (“IZ”) requirement for residential buildings that have penthouse habitable space and 11-C DCMR §1500.11, stating that for “residential buildings, the construction of penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building” is subject to the IZ set-aside provisions. *See also* 11-C DCMR § 1006.10(b), permitting IZ units generated by penthouse habitable space to be achieved by providing a contribution to the HPTF when the penthouse habitable space is being provided on a building not otherwise subject to IZ, and 11-I DCMR § 539.2, stating that residential density in the D-5 zone is not subject to IZ requirements or bonuses.

The portion of the mixed-use Project devoted to office use will include a penthouse with approximately 6,575 square feet devoted to office amenity space (which includes a prorated area of shared corridor space). Thus, approximately \$234,015 will be contributed to the HPTF generated by the office use in the penthouse, based on the estimated 2021 assessed value. *See* 11-C DCMR § 1500.12, stating that for “non-residential buildings, the construction of penthouse habitable space, including all forms of habitable space shall trigger the affordable housing requirement as set forth in Subtitle C § 1505.”

Taken together, a total of approximately \$345,595 will be contributed to the HPTF as a result of the residential and office uses in the penthouses of the Project.

For the Residential Alternative, the penthouses will contain a total of approximately 6,848 square feet devoted to residential units (which includes a prorated area of shared corridor space). Thus, approximately \$243,731 will be contributed to the HPTF generated by the residential units in the penthouse, based on the estimated 2021 assessed value, in accordance with 11-C DCMR §§ 1001.2(a)(3), 1006.10(b), 1500.11, and 11-I DCMR § 539.2. 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.

E. Project Flexibility

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

- a. Uses in Project: To convert the office component of the Project to residential use and develop the Subject Property as the Residential Alternative, in accordance with plans approved by the order;
- b. Uses in the Pavilion: In the Project (i.e., 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 10,424 square feet, and in the Residential Alternative, 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 6,196 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. 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 Alternative, to reduce the number of units by up to fifteen percent (15%);
- g. 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;
- h. 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;
- i. 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;
- j. 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
- k. Sustainable Features: To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for the LEED standard specified by the order.

F. Project Phasing

Pursuant to 11-Z DCMR § 702.2, a contested case approval by the Commission shall be valid for a period of two years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time an application shall be filed for a building permit. Pursuant to 11-Z DCMR § 702.3, construction shall start within three years after the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval. Finally, pursuant to 11-Z DCMR § 702.4, in granting a design review approval, the Commission may specify that the project be built in phases and shall specify the timing of the stages.

As described above and as shown on the Plans, the Project is divided into Phase A on the southern portion of the Property and Phase B located on the northern portion of the Property. While the Applicant may construct Phase A and Phase B simultaneously, the Applicant requests approval to build the Project in phases pursuant to 11-Z DCMR § 702.4 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 proposed phasing is requested for both the mixed-use Project and for the Residential Alternative.

II. DESIGN REVIEW APPROVAL

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 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 copied to the right. As shown on Figure I § 615, the Subject 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.

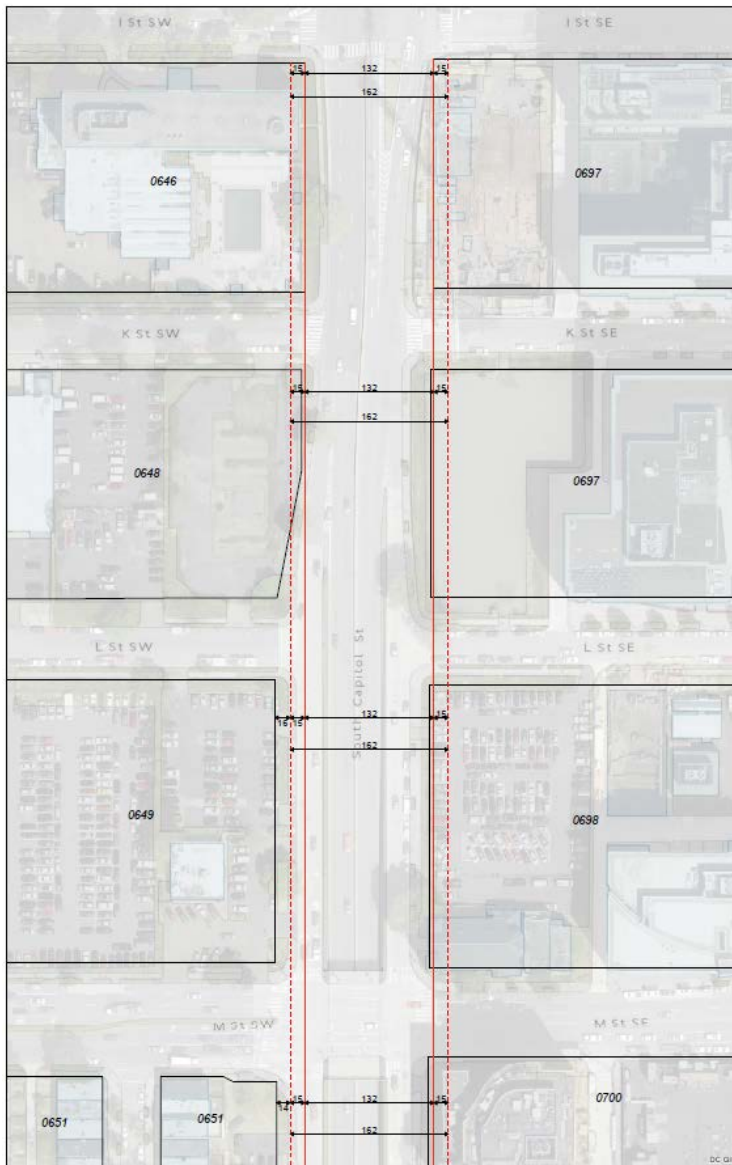
FIGURE I § 615: ILLUSTRATION OF THE M AND SOUTH CAPITOL STREETS SUB-AREA AND DESIGNATED STREET SEGMENTS



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, no setback is required for the Subject Property. *See* 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 is 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**, below.

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 Project’s proposed projections 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, even with the slight recesses in the building’s façade. The strong architectural framing of the columns creates a consistent street wall as one looks to the north and south along South Capitol Street. Furthermore, the proposed building meets or exceeds the minimum requirement that 60% of the street-wall is constructed on the setback line, which is the property line in this case. *See* 11-I DCMR § 616.7(g).

The following additional setback requirements of 11-I DCMR § 616.7(d), (e) and (g) apply to the Subject 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, the building provides 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 building 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 the Plans, a minimum of 60% of the building's street-wall is constructed on the setback line, which for the Subject Property is the eastern property line along South Capitol Street. *See* 11-I DCMR § 616.7(a). Specifically, a minimum of approximately 70% of the streetwall of the mixed-use Project is constructed on the setback line, and approximately 60% of the streetwall of the Residential Alternative is constructed on the setback line. The reduced number is due to the façade of the northernmost portion of the building being slightly setback from South Capitol Street in order to allow to create the corner condition on the primary façade.

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 Subject Property is located on a tertiary street segment of South Capitol Street and is therefore subject to the design review regulations. The Project complies 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;*

The proposed Project complies 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 Project preserves the important view of the Capitol Dome by providing setbacks at 110 feet (9th floor). *See* views facing the Capitol Dome included in the Plans. As noted above, the building also provides a consistent streetwall along South Capitol.

In addition, the Project significantly advances South Capitol Street as a vibrant, high-density, and mixed-use corridor. The Project includes new ground floor retail use along the Subject 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;*

As shown in the Plans, the Project is 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 Subject Property is located. The base of the building is scaled to match 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 noted above, vehicular and pedestrian conflicts will be minimized because all parking and loading access into the Subject Property will be provided on L and Half Streets, rather than from M or South Capitol Streets. All vehicular pick-up and drop-off activities occur within a designated area in the private drive, thus further minimizing potential conflicts between vehicles and pedestrians. Moreover, loading for the Project 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 Plans, the Project includes extensive façade articulation across all street-facing elevations. The ground floor includes active uses with clear inviting windows and extensive architectural expression. The Project will use high-quality materials, 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*

The Project will be designed to meet the standards of LEED Silver. Draft LEED checklists for the Project and the Residential Alternative are included at Sheets 11-12 of the Plans.

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 Subject Property, which is located on South Capitol Street, SW.

Pursuant to 11-I DCMR § 701.4, at the time of filing an application with the Zoning Commission, the Applicant shall pay the filing fees pursuant to 11-Z DCMR Chapter 16, plus such fees as apply to any additional zoning relief requested. Included with this application is a check in the amount of \$56,305, which represent the filing fee in accordance with 11-I DCMR § 701.4 and 11-Z DCMR Chapter 16 for the Project.

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 the Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

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

The Project also will not tend to affect adversely the use of neighboring property. The majority of developed properties in the immediate area along South Capitol Street are improved with 110 to 130-foot tall, high-density mixed-use buildings. Thus, the proposed height and density of the proposed Project will be consistent with the surrounding massing and neighborhood character and fully complies with the standards for the D-5 zone. The proposed mix of uses for the Project will also be fully consistent with the variety of residential and commercial uses in the surrounding area, and the proposed ground floor retail will help to reinvigorate the vibrancy of South Capitol as a walkable and pedestrian-friendly urban boulevard. Furthermore, the proposal to provide vehicular access only from Half and L Streets will minimize any potential conflicts between pedestrians and vehicles. Therefore, the Project 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.

III. NOTICE AND COMMUNITY ENGAGEMENT

Pursuant to 11-Z DCMR § 301.6, the Applicant served written notice of its intent to file the subject application on the affected Advisory Neighborhood Commission (“ANC”) 6D and on the owners of property within 200 feet of the Subject Property on April 8, 2020, which was more than 45 days prior to the filing of this application.

Since then, the Applicant has met with ANC 6D to review the Project and discuss questions and concerns from the community. The Applicant first met with the Single Member District (“SMD”) representative to review the Project, during which meeting a variety of considerations and questions were raised. In response to a primary concern, the Applicant refined the pick-up/drop-off facilities for the Project in an effort to minimize impacts on the neighborhood and the revisions are included as part of the submitted Plans. Specifically, 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, an exterior (but covered) pedestrian connection was added adjacent to the pick-up/drop-off area to connect the Phase A and

Phase B components of the Project. Furthermore, 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.

The Applicant subsequently had a virtual meeting with the ANC's executive committee where Commissioners raised questions relating to the Project's design aesthetic and its relationship to the existing townhouses to the south. As noted above, the Project was specifically designed to create interlocking forms that work together to create a design aesthetic that anchors the Project as a gateway development between Southeast and Southwest Washington, DC. The podium creates a horizontal connection to the low-rise buildings to the south and southwest while the masonry design relates to the materiality of those buildings. The direct walk-ups provide a residential context as well.

The Applicant believes that the final building design submitted with this application is appropriate for the Subject Property and fits in well within the surrounding context. The building creates a streetwall to frame the monumental views along South Capitol Street, and the building's massing and design are appropriate for the high-density intersection on which it sits, both of which are the stated goals for the M and South Capitol Streets Subarea. The Applicant has further articulated certain elements along the base of the building in an effort to provide more information to the ANC about how the Project relates to its adjoining context. These elements include the stepping of the Project at its southwest corner – both in the mixed-use scheme and the Residential Alternative – as well as the direct walk-ups to residential units on the ground floor and the two-story masonry podium. The Applicant has also provided a variety of views and perspectives of the Project to further demonstrate how it fits well within the surrounding context.

The Applicant will continue to work with the ANC and surrounding community. The Applicant anticipates meeting with representatives from the ANC, including the SMD representative, in the coming weeks and will present to the full ANC and community at such time as the ANC commissioners request. The Applicant will provide an update on its engagement prior to the public hearing on this case.

IV. LIST OF EXHIBITS

| | |
|------------------|--|
| <u>Exhibit A</u> | Portion of the Zoning Map showing the Subject Property |
| <u>Exhibit B</u> | Architectural Plans and Elevations |
| <u>Exhibit C</u> | Surveyor's Plat |
| <u>Exhibit D</u> | Outlines of Witness Testimony |
| <u>Exhibit E</u> | Resumes of Expert Witnesses |
| <u>Exhibit F</u> | Certificate of Notice, Notice of Intent, and list of property owners within 200 feet of the site |
| <u>Exhibit G</u> | Form 100 – Application Signature Page |
| <u>Exhibit H</u> | Authorization Letters |

V. LIST OF WITNESSES

1. Representative of the Applicant
2. Jason Klem and Shelly Mrstik, Gensler, architect for the project
3. Jeff Lee, Lee and Associates, Inc., landscape architect for the project
4. Daniel VanPelt, Gorove/Slade Associates, transportation consultant for the project

VI. CONCLUSION

For the reasons stated above, the application meets the design review standards for properties in the M and South Capitol Streets Sub-Area pursuant to 11-I DCMR § 616 and 11-I DCMR, Chapter 7. Therefore, the Applicant respectfully requests that the Commission schedule a public hearing on the application at its earliest available date.