

**APPLICATION OF STEUART INVESTMENT COMPANY FOR REVIEW OF
BUILDINGS AND STRUCTURES ON SOUTH CAPITOL STREET**



LOT 801 IN SQUARE 662 AND LOT 800 IN SQUARE 662E

I. Introduction

This application is submitted on behalf of Steuart Investment Company (the “**Applicant**”) for Zoning Commission review and approval of new construction along South Capitol Street north of S Street SW. The property is comprised of Lot 801 in Square 662 and Lot 800 in Square 662E (collectively, the “**Property**”). The Property is comprised of approximately 126,164 square feet of land area and is located in the CG-4 Zone District. The Property will be developed in two or more phases, each of which will be subject to Design Review. Phase I, the subject of this application, consists of approximately 55,300 square feet of area on the southern edge of the Property. It has frontage on S Street, as well as both Half Street and the South Capitol Street right of way. The portion of the South Capitol Street right of way adjacent to the Property is located just south of the traffic oval currently under construction at the west side landing of the recently completed Frederick Douglass Memorial Bridge, though the right of way area is notably separated from the traffic oval and South Capitol Street thoroughfare to the north by both the lack of any vehicular connection to the oval and an approximately 12-foot change in grade leading down to the Property.

The Applicant is the owner of the Property and will be developing the site in partnership with MRP Realty. The development team has constructed over 840,000 square feet of development in Buzzard Point¹ and controls an additional 276,000 square feet of land in the immediate area. They have approached development of Phase I with an extensive understanding of the area and an eye for coordinating with future development on adjacent parcels.

The Applicant will subdivide the existing lots to create a single record lot, a portion of which will be developed with Phase I. The zoning analysis provided herein is based on the record lot. The Property is currently used as a concrete batching plant, which is still in operation. The Applicant is proposing to redevelop the site with a mixed-use project with ground-floor retail uses and multifamily residential use on the floors above. The Property will transition from a use that is not consistent with the neighboring uses, the Comprehensive Plan or the Buzzard Point Vision Framework Plan to one that is consistent with the goals and objectives of the District’s planning. Phase I includes approximately 434 residential units and approximately 17,495 square feet of ground-floor retail uses. The building will have a maximum height of 130 feet and 13 stories, plus a habitable penthouse, and will have an FAR of 3.54.² The construction of the proposed residential units and the design of the building further the goals of the Capitol Gateway (“**CG**”) zones.

The Applicant submits this application pursuant to Subtitle K § 512 of the District of Columbia Zoning Regulations, which requires Zoning Commission Design Review of properties with frontage on South Capitol Street. The Applicant also seeks Design Review flexibility pursuant to Subtitle X § 603.1 as follows: flexibility for side yard requirements (Subtitle K

¹ This includes 1800 Half Street, SW (Verge), 79 Potomac Avenue, SE (Dock 79), and 71 Potomac Avenue, SE (Maren).

² The above-stated FAR is calculated based on the entire record lot. The FAR for Phase I is 3.54. The overall development is currently anticipated to have an FAR of approximately 8.05, within the maximum 8.2 FAR permitted under Subtitle K § 504.3(b) for projects utilizing the CG-4 bonus residential density.

§ 504.9); flexibility for penthouse setback requirements (Subtitle C § 1504.1³) for the interim condition of the proposed Phase I penthouse, the north side of which will face onto a closed court after subsequent phases of the Project are completed; and flexibility for the restriction on vehicular entrances/exits on South Capitol Street (Subtitle K § 510.1(b)(4)) in order to provide a through alley on the north portion of Phase I, which will allow Phase I garage and loading access to be internalized on the site. In addition, the Applicant requests special exception relief pursuant to Subtitle C § 1506 from the penthouse single enclosure requirements under Subtitle C § 1503.1 to allow a separate stairwell penthouse to include limited mechanical equipment to service the residential units on the east side of the building.

The Property is located in Buzzard Point to the west of the South Capitol Street right of way and just south of the new traffic oval and park currently under construction at the foot of the newly-completed Frederick Douglass Memorial Bridge. The Project provides significant housing opportunities in a growing area of the City and will help revitalize the Buzzard Point area and further the planning objectives for South Capitol Street and associated with the new bridge and traffic oval and park.

II. Jurisdiction of the Zoning Commission

The Zoning Commission has jurisdiction to grant approval of the proposed development and the requested flexibility and special exception relief pursuant to Subtitle K § 512, Subtitle X § 603, and Subtitle C § 1506 of the Zoning Regulations.

III. Capitol Gateway Zones

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

- (i) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;
- (ii) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel uses;
- (iii) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;
- (iv) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;
- (v) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, SE, near the Navy Yard Metrorail station;

³ Citations to the penthouse regulations refer to the new section renumbering set forth in the recent amendments adopted in Z.C. Case No. 14-13E, which the Commission took final action to approve on October 14, 2021.

- (vi) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;
- (vii) Provide for the establishment of South Capitol Street between M Street, SE, and the Anacostia waterfront as a monumental civic boulevard;
- (viii) Provide for the development of Half Street, SE as an active pedestrian oriented street with active ground floor uses and appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale; and
- (ix) Provide for the development of First Street, SE as an active pedestrian oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.

11-K DCMR 500.1.

IV. Description of Property

Nearly a perfect square, the Property fronts on R Street SW to the north, the South Capitol Street right of way to the east, S Street SW to the south, and Half Street SW to the west. The Phase I site consists of approximately 55,300 square feet of land on the south end of the Property, as shown in the architectural plans for the Project attached as Exhibit F (the “**Plans**”). The Property is located immediately southwest of the new traffic oval currently under construction at the landing of the newly-completed Frederick Douglass Memorial Bridge that connects Buzzard Point to Poplar Point across the Anacostia River. Notably, the portion of the South Capitol Street right of way abutting the Property will not provide a vehicular connection to the new traffic oval, and there is an approximately 12-foot grade change from the traffic oval leading down to the Property. The adjacent South Capitol Street right of way area is currently proposed to consist of a pedestrian-first public plaza, the design of which the Applicant continues to develop in coordination with the Office of Planning, the District Department of Transportation, and other relevant agencies. The Property is two blocks southwest of Nationals Park and one block east of Audi Field. The Property contains approximately 126,164 square feet of land area and is located in the CG-4 Zone. The Property is approximately 0.8 miles walking distance from the Navy Yard-Ballpark Metrorail Station. An image of the Property and the surrounding area is included at Page 4 of the Plans, and pictures of the Property are included at Page 2 of the Plans.

V. Description of Project

The Applicant proposes to develop the Property with a mixed-use building, constructed in phases, and that will include ground-floor retail uses and multifamily residential use on the floors above. This application focuses solely on Phase I; a future application will be filed for the review of subsequent phases. The Phase I Project will include approximately 420,443 square feet of residential uses (approximately 434 units) and approximately 17,495 square feet of retail use,

resulting in a total FAR of 3.47 for Phase I.⁴ The building will have a height of 13 stories and maximum 130 feet, which is the maximum permitted height under the Height Act and pursuant to Subtitle K § 504.4(b) for projects utilizing the CG-4 bonus residential density per Subtitle K § 504.3(b). The Project will be set back 15 feet from South Capitol Street to the east as required by Subtitle K § 510.1(b)(1) and will provide a 1:1 setback from the building line beginning at 110 feet of building height as required by Subtitle K § 510.1(b)(3).

The Project will have a lot occupancy of approximately 29.7% for Phase I. The Project will include approximately 264 parking spaces below grade and approximately 145 long-term and 22 short-term bicycle parking spaces. The Project will provide one (1) 30-foot loading berth, one (1) service/delivery space, and one (1) loading platform, as required.⁵ More detailed zoning tabulations are included on Page 7 of the Plans.

The Project is thoughtfully planned with its future residents and visitors in mind and with careful attention to strengthening the pedestrian experience in order to leverage the adjacent public space — particularly the South Capitol Street right of way — and the proximity to the waterfront. The Project is designed with highly articulated facades on each side and provides a building configuration to maximize views, light and air available to the units.

In addition to the setbacks prescribed by the CG zone development standards for development along South Capitol Street to the east, the Applicant has also designed the Project to be set back from S Street to the south. Specifically, the bulk of the south ground-floor façade will be set back 10 feet from the property line, with the building corners pulled forward slightly to provide a five (5)-foot setback, which will provide an especially generous pedestrian zone with ample room for seating, path-of-travel, and tree plantings and other landscape elements. Whether the adjacent interior space is dedicated to service, retail or residential uses, the intent is to activate this space with seating or other complementary uses. The Applicant’s conceptual vision for the S Street pedestrian zone is depicted on Pages 20–21 of the Plans.

The Phase I Project will convert a site that is currently dedicated to intense industrial uses served by heavy truck traffic and does not include pedestrian circulation or connections, to a mixed-use building that will help infill the fabric of Buzzard Point and provide critical connections to area resources — namely Oval Park and the Anacostia waterfront — from points south and west of the Phase I Project. The Phase I Project is an important link to connecting existing and planned residential uses in the area with some of the remarkable resources offered by the Buzzard Point community.

The building design is focused on highlighting the two prime corners on the south side of the Phase I building, with main retail spaces established here and brick “bookends” to emphasize these corners and give the building a solid presence on both the corners and along the future plaza space to be constructed in the South Capitol Street right of way. The two-story ground-floor reading further shapes the pedestrian experience established by the above-noted setbacks along S Street and the South Capitol Street right of way. The central ground level space consists

⁴ All zoning metrics are calculated based on the entire record lot. For reference, calculations as based only on the Phase I land area are also included in Page 7 of the Plans (Exhibit F).

⁵ Loading facilities will be shared between the residential and retail uses as permitted by Subtitle C § 901.8.

of the residential amenity and lobby area, which is highlighted by an undulating façade that is expressed in a wave pattern that creates a sense of movement and draws attention down the street, further activating the pedestrian experience. Brick detailing is added to the base of the building to provide additional depth, sophistication, and warmth at the pedestrian level. The ground floor residential space will include lobby and co-working space for residents, which is conceived as having indoor/outdoor access to the areas in front of the building within the 10-foot setback area, further serving to activate the space.

Above the pedestrian level, the primary façade setback from the south property line will allow the Project to incorporate a carefully designed arrangement of exterior balconies and bays, all located within the Property, which will serve to break up the mass of the building and give the building a dynamic street presence. The proposed balcony system will be artfully framed by a white metal band drawing directly on the material elements of the newly-completed Frederick Douglass Memorial Bridge to the east, which will provide a visual rhythm for pedestrians approaching the Property headed towards the waterfront. The building design permits unique deep unit types that will enjoy oversized balconies to enhance the indoor/outdoor experience and keep the façade activated along S Street. The 1:1 setback provided above 110 feet of height on the east side of the building facing South Capitol Street is followed by a series of setbacks that help create a “top” to the building and create large terraces for residents.

As shown in the Plans, the base and corners of the building will be constructed with complementing tones of brick including three-floor extruded brick “frames” that will emphasize the verticality of the building and add depth and dimension to the façade expression. The building has been carefully designed to frame the scenic vistas to the north along South Capitol Street toward the future traffic oval and park and toward the riverfront to the east. The building’s north façade has been designed to ensure an articulated presence facing north, both in the short-term for those approaching the area from the north and in anticipation of the later phases of development of the balance of the Property. The north side of the building will also include private terraces on the second and seventh floors, as shown on Page 35 of the Plans. Indoor and outdoor amenities for the residents will be located on the penthouse level.

The Project has been designed to include sustainability measures, including that the Project will meet or exceed the LEED v.4 Silver Level for New Construction, as shown on Page 43 of the Plans. The Project will include green roof, and the streetscape improvements associated with the Project will include the incorporation of curbside LID/bioretenion systems, with the majority of plantings being native species.

As shown on Page 9 of the Plans, the Project will include a through alley on the north side of the Phase I building, connecting to Half Street on the west and South Capitol Street on the east. The alley will provide parking and loading access to all phases. Focusing service and delivery activity and other vehicular traffic in the proposed alley will reduce the amount of traffic on S Street, emphasizing the pedestrian-friendly nature of the public space at this location, particularly as it transitions into the pedestrian-first South Capitol Street right of way on the east side of the Property. While the alley will allow both service and pedestrian traffic, the building design and hierarchy of ground floor uses will encourage and attract pedestrian traffic to S Street, minimizing the number who use the alley.

The Project will also include extensive improvements to the public space across the multiple phases and planned development of neighboring parcels. As part of Phase I of the Project, the Applicant will be upgrading all of the adjacent sidewalks, which are currently in substandard condition, and will be creating a shared vehicular and pedestrian drive along the abutting portion of the South Capitol Street right of way. This will represent the initial step in the Applicant's broader proposal for the comprehensive improvement of that space into a destination public plaza that will provide a pedestrian-focused transition moving towards the Riverwalk along the waterfront.

VI. The Applicant Satisfies the Burden of Proof for Zoning Commission Review of Buildings, Structures, and Uses along South Capitol Street

Pursuant to Subtitle K § 512 of the Zoning Regulations, the Applicant must demonstrate that the application satisfies the specifically delineated requirements for the Capital Gateway (§ 512.3 for general Capital Gateway requirements and § 512.6 for properties with frontage on South Capitol Street). The Applicant must also satisfy the Design Review requirements set forth in Subtitle X § 604.

A. The Applicant Satisfies the Standards with Regard to Zoning Commission Review Under the CG Design Review Regulations for a Property with Frontage Along South Capitol Street

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

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

The Project will achieve the objectives of the Capital Gateway zones that are set forth in Section III above. The Applicant is proposing a mixed-use development with ground-floor retail uses and multifamily residential use on the floors above. The height and density of the Project are appropriate for this area and are within the height and density permitted in the CG-4 Zone. Further, the Building envelope is not inconsistent with its high density residential and high density commercial designation on the District of Columbia Comprehensive Plan's Future Land Use Map ("FLUM"). Specifically, the addition of approximately 434 residential units and approximately 17,495 square feet of retail use will contribute to the desired use mix in the Capitol Gateway zones, particularly along and adjacent to South Capitol Street. It will also result in the removal of a use that is no longer consistent with the greater community or planning objectives for this area.

Additionally, the Project uses high-quality materials that will establish a dynamic presence along the South Capitol Street corridor and will be set back from the South Capitol Street right of way, as required. The building materiality and configuration allows for the framing of both the South Capitol Street monumental boulevard and the view of the Anacostia River to the east. Further, it will enhance such views while adding to the vitality of the surrounding Capital Gateway area.

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

This development will provide residential and retail uses consistent with Subtitle K § 512.3(b), including approximately 434 residential units and approximately 17,495 square feet of retail use to serve residents, visitors, and the surrounding area. These uses will contribute to the vibrant mix of residential and commercial uses in the area, which include Nationals Park located two blocks to the northeast and Audi Field located one block to the west. These uses will also support stronger activation of, and support for access to, the nearby riverfront to the east and the proposed traffic oval and associated green space immediately to the north of the Property.

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

The Project is consistent with the high-density development encouraged along South Capitol Street in the CG-4 Zone and as envisioned by the overall scheme established by the CG zones, which situates slightly more moderate density and heights running along the waterfront and greater density and heights established inland through the core of Buzzard Point and tracing up to M Street SE. The Project will redevelop an underutilized site currently devoted to a concrete batching facility to provide mixed-use urban development consistent with planning for the area and will further the overall revitalization of the immediate vicinity consistent with the vision for South Capitol Street and Buzzard Point. The Project will provide the required base building and upper story setbacks along the South Capitol Street right of way to frame the monumental views along the corridor. Further, the Applicant is proposing a setback (that is not required) from its S Street frontage to the south to create a generous pedestrian zone to support and encourage activity levels and emphasize the pedestrian-focused nature of these public spaces as they transition towards the waterfront to the east.

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

The design promotes a safe and efficient pedestrian experience. A key feature of the site plan is the proposed through alley bisecting the Property in the northern portion of the Phase I Project. Loading and parking access will be provided from this alley, connecting to Half Street on the west and South Capitol Street on the east. Accommodating vehicular access via this alley will significantly reduce the vehicular activity on the public streets abutting the Property and emphasize the pedestrian-friendly nature of the development. The Applicant is incorporating design features such as curbless roadways, bollards, and signage to signal to drivers that pedestrians take priority in this area and that caution must be used. Further, the priority of the pedestrian is evidenced by the substantial building setbacks from both South Capitol Street and S Street, which will result in especially generous pedestrian zones to support path-of-travel, seating, and tree plantings and other landscaping. All of these features will together serve to ensure safe circulation for all residents and visitors to the site and will minimize any potential conflicts or congestion.

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

The elevations on Pages 24–26 of the Plans and the renderings on Pages 11–21 of the Plans depict the proposed building facades, which are highly articulated and differentiated on each elevation, thus eliminating unarticulated blank walls adjacent to public spaces. The façade articulation is accomplished through the use of high-quality building materials, brick patterning and detail, and balconies. The façade expression draws on and complements elements of the surrounding area, including the newly-completed Frederick Douglass Memorial Bridge, and is carefully configured to break up the mass of the building, create depth and visual interest, and frame surrounding views and, in particular, along the South Capitol Street viewshed and towards the riverfront. The northern façade has also been carefully designed with acknowledgement of the interim condition with open public views from the north, and in anticipation of the future phases of development. For the portions of the façade that will ultimately be connected to the subsequent phase(s), the Applicant is exploring visually compelling temporary treatments for this vertical space, such as a mural or other temporary ornamentation to ensure that the building reads as a cohesive, dynamic whole as viewed from the street.

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

The Building has been designed to meet LEED v. 4 Silver certification standards for New Construction, as shown on Page 43 of the Plans. Some of the key “green” features include green roof and curbside LID/bioretenion facilities incorporated into the adjacent streetscape, as well as native species for the majority of landscape plantings.

7. *The building or structure incorporates 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. (11-K DCMR § 512.6(a))*

As described above, the Project is designed to frame the adjacent South Capitol Street right of way in a manner sensitive to its importance. This is achieved through facade articulation and honoring the required setback along the South Capitol Street side of the building, as well as streetscape improvements and plantings along the street, all as shown on Page 45 of the Plans.

8. *The building incorporates massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable. (11-K DCMR § 512.6(b))*

Although the Project is not located adjacent to the preexisting residential development located further north, the Project has been carefully designed with this context in mind. The Project will include ground-floor retail uses to support and serve the existing residents, and the Project’s design will revitalize the Property — and convert it from the existing concrete batching use. Moreover, the Project as part of the overall development vision for Buzzard Point, will make

the area and the nearby waterfront more accessible to, and a true amenity for, all residents and visitors to the neighborhood. Importantly, additional support for site circulation is particularly critical here given the limitations inherent in the adjacent South Capitol right of way being separated from, and lacking a vehicular connection to, the traffic oval and main South Capitol Street thoroughfare to the north. The proposed through alley on the north side of the Phase I building will help address the unique challenges associated with the site's positioning in relation to the traffic oval and will ensure safe access and circulation around the site and maintain orderly traffic patterns that minimize conflicts with pedestrians, including those coming to the site from the residential areas to the north.

9. *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. (11-K DCMR § 512.6(c))*

The required view analysis is included as Pages 45 and 46 of the Plans. Importantly, the Project does not detract from — and quite to the contrary, will significantly elevate — the views north towards the Capitol and Nationals Park and views east towards the Anacostia River. Further, as discussed above, the Project is set back from both South Capitol Street and S Street, which will allow a more expansive viewshed facing toward both the Capitol and the river.

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

The Applicant satisfies the general Design Review standards as follows.

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

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

The Project advances these purposes by furthering the social, economic, and physical development of the District through the construction of new residential units and retail use on underutilized land along South Capitol Street. The Project will also help to achieve the District's goals to increase housing supply, including affordable housing supply. In particular, the Project is in accordance with the Mayor's Housing Equity Report of 2019 which puts an onus on the production of new housing in the District of Columbia. The Project will assist to reach the Housing Equity Report's goal of 36,000 units of housing, including 12,000 units of affordable housing, by 2025.

a. Land Use and Generalized Policy Maps

The Future Land Use Map designates the Property as appropriate for high density residential and high density commercial uses. The Project, with an effective FAR of 7.92 (as calculated based on the land area of Phase I) and a height of 130 feet for a residential project, is consistent with this designation.

The Generalized Policy Map designates the Property as a Neighborhood Enhancement Area. The proposed conversion of the site from the existing industrial use that is inconsistent with surrounding uses into a compelling mixed-use building is consistent with this designation.

b. Land Use Element

Broadly, the Land Use Element cites the importance of transit-oriented developments and the importance of residential development on large sites. The Project is consistent with the following policies from the Land Use Element:

Policy LU-1.2.3: Appropriate Uses in the CEA: Ensure that land within the CEA is used in a manner which reflects the area's national importance, its historic and cultural significance, and its role as the center of the metropolitan region. Federal siting guidelines and District zoning regulations should promote the use of this area with high-value land uses that enhance its image as the seat of the national government and the center of Washington, DC and that make the most efficient possible use of its transportation facilities. An improved balance in the mix of uses will help to achieve Washington, DC's aspiration for an even larger living downtown. 305.8.

Policy LU-1.2.4: Urban Mixed-Use Neighborhoods: Encourage new mixed-use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the following areas:

- Mount Vernon Triangle;
- NoMa;
- Downtown East and Pennsylvania Avenue;
- Buzzard Point/National Park/Audi Field;
- Near Southeast/Navy Yard;
- Capitol Crossing (neighborhood between Capitol Hill and Gallery Place);
- Union Station air rights; and
- Near Southwest/Wharf/L'Enfant Plaza Metro Area.

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

be undertaken to retain existing residents, particularly communities of color and vulnerable populations, and enable them to share in the benefits of area redevelopment while addressing adverse short- and long-term impacts. 305.11

Policy LU-1.4.6: Development Along Corridors: Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods, using approaches such as building design, transitions, or buffers, while balancing against the District’s broader need for housing. 307.14

Policy LU-1.5.1: Infill Development: Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6

Policy LU-2.1.1: Variety of Neighborhood Types: Maintain a variety of neighborhoods, ranging from low-density to high-density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity. 310.7

Policy LU-2.1.2: Neighborhood Revitalization: Facilitate neighborhood revitalization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need, especially where projects advance equitable development and racial equity, as described in Section 213 of the Framework Element, and create opportunities for disadvantaged persons and for deeply affordable housing. Engage and partner in these efforts with the persons intended to be served by revitalization, especially residents. Use social, economic, and physical indicators, such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate, as key indicators of need. 310.9

Policy LU-2.2.4: Neighborhood Beautification: Encourage projects that improve the visual quality of neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, murals, improvement or removal of abandoned buildings, street and sidewalk repair, park improvements, and public realm enhancements and activations. 311.5

The Project will revitalize an underutilized parcel of land along the South Capitol Street corridor within the Central Employment Area that is currently used as a concrete batching plant. The Project will replace this use, which is not consistent with the Property’s location on South

Capitol Street or planning objectives for the area, and provide approximately 434 residential housing units and approximately 17,495 square feet of retail use. The Project is the quintessential “infill development” as it will allow for the efficient and productive use of an underutilized lot to serve as part of an overall vision to better connect the development to the waterfront to the east and help elevate South Capitol Street as the important monumental boulevard that it is envisioned to be. As discussed above, the Project design establishes a height, mass, and scale of development that is appropriate for the Property’s location and underlying zoning and planning designations and will facilitate the overall improvement of the surrounding neighborhood from both an aesthetic and lifestyle perspective.

c. Transportation Element

Similar to the Land Use Element above, the Transportation Element cites the importance of transit-oriented development, while it also focuses on the importance of integrating pedestrian resources and safety into residential development. The proposed development is consistent with several policies in the Transportation Element:

Policy T-1.1.4: Transit-Oriented Development: Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations. 403.10

Policy T-1.2.1: Major Thoroughfare Improvements: Beautify and stabilize gateways and major thoroughfares by implementing coordinated multimodal transportation, economic development, and urban design improvements. 404.4

Policy T-1.2.3: Discouraging Auto-Oriented Uses: Discourage certain uses, like drive-through businesses or stores with large surface parking lots and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.6

Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning: Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks such that residents of each of the District’s wards have access to high quality bicycling and pedestrian facilities. 410.9

Policy T-2.4.1: Pedestrian Network: Develop, maintain, and improve pedestrian facilities. Improve the District’s sidewalk system to form a safe and accessible network that links residents across Washington, DC. 411.5

Policy T-2.4.2: Pedestrian Safety: Improve safety and security at key pedestrian nodes throughout the District. Use a variety of techniques to improve pedestrian safety, including textured or clearly marked and raised pedestrian crossings,

pedestrian-actuated signal push buttons, high-intensity activated crosswalk pedestrian signals, rectangular rapid flashing beacons, accessible pedestrian signal hardware, leading pedestrian interval timing, and pedestrian countdown signals. 411.6

Policy T-2.4.3: Traffic Calming: Continue to address traffic-related safety issues through carefully considered traffic-calming measures. Expedite processes for implementing traffic calming measures at locations and corridors identified as having the highest number of incidents involving bicyclists and pedestrians. 411.7

The Transportation Element promotes strengthening the link between land use and transportation as new development occurs and that is precisely what this Project does. The Property is within walking distance of Metrorail and is designed to encourage and ensure safety for non-vehicular modes of transportation. The Project will include the proposed through alley to focus service and delivery and parking access off of the public streets abutting the Property, minimizing any conflicts with pedestrians. Further, the Project incorporates required setbacks along the South Capitol Street right of way and S Street, which will provide especially generous pedestrian zones and promote pedestrian activity, particularly as the site transitions eastward towards the waterfront.

d. Housing Element

The Project provides residential housing and is consistent with the Housing Element. Specifically, the Project is consistent with the following policies within the Housing Element:

Policy H-1.1.1: Private Sector Support: Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3

Policy H-1.1.3: Balanced Growth: Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate density single-family homes, as well as the need for higher-density housing. 503.5

Policy H-1.1.4: Mixed Use Development: Promote moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations. 503.6

Policy H-1.2.3: Affordable and Mixed-Income Housing: Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire District by developing goals and tools for affordable housing and establishing a minimum percent affordable by Planning

Area to create housing options in high-cost areas, avoid further concentrations of affordable housing, and meet fair housing requirements. 504.10

Policy H-1.2.11: Inclusive Mixed-Income Neighborhoods: Support mixed-income housing by encouraging affordable housing in high-cost areas and market rate housing in low-income areas. Identify and implement measures that build in long-term affordability, preferably permanent or for the life of the project, to minimize displacement and achieve a balance of housing opportunities across the District. 504.19

The Project is providing approximately 420,443 square feet of housing (approximately 434 units) on a site that currently provides no housing. The Project also includes approximately 33,635 gross square feet of affordable housing. The creation of new residential units — including affordable units — is significant for ensuring inclusive growth in the area that serves residents of all income levels.

e. Environmental Protection Element

The Project promotes the following policies of the Environmental Protection Element:

Policy E-1.1.2: Urban Heat Island Mitigation: Wherever possible, reduce the urban heat island effect with cool and green roofs, expanded green space, cool pavement, tree planting, and tree protection efforts, prioritizing hotspots and those areas with the greatest number of heat-vulnerable residents. Incorporate heat island mitigation into planning for GI, tree canopy, parks, and public space initiatives. 603.6

Policy E-2.1.3: Sustainable Landscaping Practices: Encourage the use of sustainable landscaping practices to beautify the District, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. District government, private developers, and community institutions should coordinate to significantly increase the use of these practices, including planting and maintaining mostly native trees and other plants on District-owned land outside the right-of-ways in schools, parks, and housing authority lands. 605.7

Policy E-3.2.3: Renewable Energy: Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption. 612.5

Policy E-3.2.7: Energy-Efficient Building and Site Planning: Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. Encourage new development to exceed minimum code requirements and contribute to energy efficiency and clean energy goals. 612.9

Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promote an increase in tree planting and vegetated spaces to reduce stormwater runoff and mitigate the urban heat island, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 615.4

Policy E-4.4.1: Mitigating Development Impacts: Future development must mitigate impacts on the natural environment and anticipate the impacts of climate change, resulting in environmental improvements wherever feasible. Construction practices that would permanently degrade natural resources without mitigation shall not be allowed. 618.3

In furtherance of the above-stated environmental policy objectives, the Building is designed to achieve the LEED v. 4 Silver level for New Construction, incorporating a variety of sustainable measures to meet such level. As noted above, the Project will incorporate green roof features and improvements to the surrounding streetscape will include curbside LID/bioretenion measures and the majority of plantings will be native species.

f. Urban Design Element

The Urban Design Element describes the essential relationship between a property's location within the urban fabric including along certain boulevards and vistas and a building's design. The Project furthers several of the Urban Design Element policies including:

Policy UD-1.1.3: Preeminent View Corridors: Reinforce the prominent role of views as a defining feature of the District's character through careful planning of streetscapes and public parks to preserve and frame views of existing landmarks and significant structures and through consideration of the various types of view corridors when designing and planning public projects and streetscapes. Such views could include preeminent views of nationally symbolic architecture, important views of nationally or locally significant civic structures, landmarks, and parks and open spaces. (see Figure 9.5). 903.11

Policy UD-1.2.4: Significant View Protection: Recognize and protect significant views within the District, particularly characteristic views of landmarks and views from important vantage points (as shown in Figure 9.8). Recognize the importance of views to the quality of life in the District and the identity of Washington, DC and its neighborhoods. 904.6

Policy UD-1.3.8: Buzzard Point Vision Framework + Design Review Guide: Use the Buzzard Point Vision Framework + Design Review Guide to guide and review both public and private investments in Buzzard Point, in partnership with District agencies, the adjacent Southwest and Capitol Riverfront neighborhoods, the development community, Fort McNair, NPS, and other stakeholders. 905.14

Policy UD-1.4.1: Thoroughfares and Urban Form: Use Washington, DC's major thoroughfares to reinforce the form and identity of the District, connect its

neighborhoods, and improve its aesthetic and visual character through context-sensitive landscaping, tree planting, and streetscape design. Special attention should be placed on how public space, building restriction areas, and adjacent buildings contribute to each thoroughfare's character. Focus improvement efforts on thoroughfares with limited amenities. 906.3

Policy UD-1.4.2: District Gateways: Create more distinctive and memorable gateways at points of entry to the District and in neighborhoods, parks and open spaces, and neighborhood centers. Gateways should provide a sense of transition, orientation, and arrival through improvements in the form of landscaping, art work, commemoration, and roadway design. They should be designed to make a strong and positive visual impact. 906.9

Policy UD-1.4.3: Thoroughfare Vistas and View Corridors: Protect picturesque views and view corridors along avenues, parkways, and other major corridors, particularly along streets that terminate, connect, and frame important neighborhood and national institutions, memorials, and parks. Vistas along such streets should be accentuated by street trees and include distinct facades of high architectural quality along well-defined street walls and, if appropriate, maintain a park-like character. 906.10

Policy UD-1.4.4: Priority Avenues and Gateway Corridors: Focus the District's avenue and gateway corridor design improvements on historically important or symbolic streets, including 16th Street, Rhode Island Avenue, North Capitol Street, Pennsylvania Avenue SE, and New York Avenue. Support federal efforts to preserve Constitution and Independence Avenues as major boulevards. Coordinate with NCPC to preserve and enhance the character of avenues and streets with shared federal and local interests that have important viewsheds and connections to federal and cultural structures and open spaces. 906.11

Policy UD-2.1.1: Streetscapes That Prioritize the Human Experience: Commercial streetscapes should be designed to be comfortable, safe, and interesting to pedestrians. At a minimum, commercial corridor sidewalks should be designed with clear, direct, accessible walking paths that accommodate a range of pedestrian users and facilitate a sense of connection to adjacent uses. Where width allows, corridors should have a generous presence of shade trees and café seating areas, as well as bicycle facilities. In areas with large pedestrian volumes, streetscapes should provide seating, drinking fountains, publicly accessible restrooms, and other infrastructure that supports increased frequency and duration of walking. 908.3

Policy UD-2.1.2: Neighborhood Streetscapes: Neighborhood streetscapes should be designed to visually reflect the character and level of intensity of the adjacent land uses. For instance, narrow sidewalks may be appropriate for narrow streets with low-scale buildings, while sidewalks with more trees and vegetation may be appropriate for large-scale development. Pedestrian-oriented lighting should be

designed to enhance walkability for all users, as well as visually reflect the character of neighborhood. 908.4

Policy UD 2.1.6: Minimize Mid-Block Vehicular Curb Cut: Curb cuts should be avoided on streets with heavy pedestrian usage and minimized on all other streets. Where feasible, alleys should be used in lieu of curb cuts for parking and loading access to buildings. Curb cuts for individual residences should only be allowed if there is a predominant pattern of curb cuts and driveways on the block face. 908.8

Policy UD-2.1.7: Streetscapes That Encourage Activation: Design new streetscape projects with public spaces that can be flexibly programmed to enhance public life with short- or long-term uses throughout the year to meet the needs of a wide variety of community members. Such spaces can be sites for creative placemaking efforts, block parties, festivals, markets, pop-up retail, or food trucks. 908.9

Policy UD-2.2.1: Neighborhood Character and Identity: Strengthen the visual qualities of Washington, DC's neighborhoods as infill development and building renovations occur by encouraging the use of high quality and high-performance architectural designs and materials. In neighborhoods with diverse housing types, or when introducing more diverse infill housing types, use design measures to create visual and spatial compatibility. 909.5

Policy UD-2.2.5: Infill Development: New construction, infill development, redevelopment, and renovations to existing buildings should respond to and complement the defining visual and spatial qualities of the surrounding neighborhood, particularly regarding building roof lines, setbacks, and landscaping. Avoid overpowering contrasts of scale and height as infill development occurs. 909.10

Policy UD-4.2.2: Engaging Ground Floors: Promote a high standard of storefront design and architectural detail in mixed-use buildings to enhance the pedestrian experience of the street. Promote a high degree of visual interest through syncopated storefronts that vary every 20 to 30 feet, provide direct lines of sight to interior social spaces, provide socially oriented uses along the public street, and use tactile, durable materials at the ground level. 918.4

Policy UD-4.2.4: Creating Engaging Facades: Design new buildings to respond to the surrounding neighborhood fabric by modulating façade rhythms and using complementary materials, textures, and color, as well as well-designed lighting. Varying design tactics may be used to engage a building with its surroundings. In contexts with smaller lot sizes and multiple closely spaced building entrances, breaking up a building façade in the vertical direction is encouraged, along with strongly defined and differentiated bases, centers, and tops of buildings. In areas lacking a strong building-form pattern, the use of complementary or reinterpreted

materials and colors could strengthen architectural identity see Figure 9.19 for recommended façade design strategies). 918.6

The Project has been carefully designed to achieve superior urban design form, with a dynamic and engaging façade design, activating ground-floor design and generous setbacks to create a vibrant pedestrian zone, and a strong design character commensurate with the Property’s location along South Capitol Street. The Project design and façade expression draws directly upon the two primary view corridors it supports — north along South Capitol Street and east toward the waterfront. The Project focuses loading, service, and vehicular activity on the proposed through alley to the north in order to emphasize the pedestrian-friendly nature of the surrounding street network, and in particular the South Capitol Street right of way and S Street, and the Project will establish a strong architectural character for the immediate area as it continues to develop.

g. Area Element

The Property is located within the “Lower Anacostia Waterfront and Near Southwest” Area Element, one of the ten area elements contained in the Comprehensive Plan. The Project is consistent with the following policies of the Area Element:

Policy AW-2.2.1: South Capitol Street Urban Boulevard: Transform South Capitol Street into a great urban boulevard and walking street, befitting its role as a gateway to the U.S. Capitol and a major Anacostia River crossing. Development along the street should include a mix of federal, District, and private uses. 1911.7

Policy AW-2.2.2: Ballpark Entertainment District and Capitol Riverfront: Leverage the success of Nationals Park and Audi Field (the new professional soccer stadium), drawing residents, workers, and visitors to the Capitol Riverfront/Navy Yard area to catalyze additional development of the South Capitol Street corridor with retail, high-density residential, entertainment, and commercial uses. 1911.8

Policy AW-2.6.1: Buzzard Point Vision Framework: Implement the policies and recommendations of the Buzzard Point Vision Framework and Design Guidance. Use the framework to guide public and private investment and evaluate new development. 1915.4

Policy AW-2.6.3: Buzzard Point Design and Architecture: Promote innovative design and architecture for new development in this area and for the creation of a unique urban waterfront. Encourage water-oriented uses near the river, and through site planning and design, facilitate public access to the water and marine transportation. 1915.6

The Project is precisely the type of development anticipated and encouraged by the Area Element. It provides a high-quality building within the South Capitol Street corridor and appropriately configures the building envelope to frame the South Capitol and waterfront scenic vistas. As mentioned above, the Project additionally provides much-needed housing on a site that

currently has no housing. The Project will build upon and complement the investments made nearby in Nationals Park, Audi Field, and the Frederick Douglass Memorial Bridge, as well as the traffic oval and green space currently under construction immediately north of the Property, furthering the goals of the Buzzard Point Vision Framework that underscores the importance of elevating and supporting the South Capitol Street corridor and the traffic oval park.

h. Buzzard Point Vision Framework

The Property is located within the area of the 2017 Buzzard Point Vision Framework and Design Review Guide (the “**Framework**”). The Project is consistent with the Framework and represents a significant step to advance the goals and objectives set forth in the Framework. Broadly speaking, the Framework provides that “[t]he urban design concept for Buzzard Point anticipates the transformation of a largely bare industrial area into an environmentally sustainable, mixed-use neighborhood with exceptional architecture and site design while delivering affordable housing and a high quality public realm.” Framework at 1. The Project will accomplish exactly this. As discussed above, the Project will convert a site currently devoted to a concrete batching plant into a dynamic mixed-use development. The Project provides a compelling design with high-quality materials and a high degree of focus on creating an active public realm and pleasant pedestrian experience. In addition, the Project includes affordable housing units consistent with IZ, as intended by the Framework, and incorporates sustainability features including green roof, curbside LID/bioretention features, and native species for the majority of plantings.

The Project represents one step in furtherance of the Applicant’s broader development goals for the parcels it owns in the area and the surrounding public space, with the goal of creating a welcoming and engaging destination commensurate with the site’s adjacency to South Capitol Street and proximity to the waterfront. The Project will help to continue to stitch together the cohesive vision for the area as a well-rounded urban district capitalizing on the inherent amenity of the riverfront, as set forth in the Framework. The public space improvements that will accompany the Project will also further the objectives of the Framework to create connectivity both within the area and with the adjacent development to the north. The Project will support the development of Half Street as a primary pedestrian link, as envisioned in the Framework, with S Street serving as an important local street leading towards the South Capitol Street right of way — which will be a pedestrian-focused plaza with no vehicular connection to the traffic oval to the north — and the riverfront further east.

In sum, the Project is precisely the type of development anticipated and encouraged by the Framework, and it will help to establish the well-rounded neighborhood the Framework aims to achieve.

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

As discussed above, the Project will encourage a vibrant and active pedestrian environment surrounding the Property, with setbacks along South Capitol Street and S Street to create generous pedestrian zones and highly articulated facades to establish a dynamic streetscape. Loading, service and vehicular traffic will be focused on the through alley running east/west across the site, which will substantially reduce vehicular activity within the South Capitol Street right of way and S Street, further encouraging and giving deference to the pedestrian nature of the public spaces moving toward the waterfront to the east.

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

The Project represents part of the Applicant's broader plan for the overall surrounding area, in which it owns several parcels it plans to develop. This long-term development plan includes significant public open spaces, which the Applicant continues to develop conceptual designs for in direct coordination with the Office of Planning. The Project is consistent with, and represents an initial step towards, achieving these objectives for the area.

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

The Project will further the promotion of the South Capitol Street corridor as a monumental boulevard in the Nation's Capital by revitalizing this underutilized site and replacing the current use — which is ill-fit for this important civic avenue and viewshed — with a carefully designed building that will activate the pedestrian environment, leverage the site's proximity to the waterfront, and elevate the design character of the area. The Project has been planned with great attention to the key surrounding vistas, including providing required setbacks on the South Capitol Street right of way, as well as voluntary setbacks on S Street to enhance and accentuate these views.

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

As shown in the Plans, the Project emphasizes a pedestrian-oriented street presence and focuses the design of the lower level facades on creating a welcoming pedestrian environment with visual interest. The Project's material and façade configuration have been carefully curated to create a sense of depth and dynamism and appropriately frame and draw upon the views, particularly those north along South Capitol Street and east toward the river.

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

The Project includes sustainable landscaping, including curbside LID/bioretenion features incorporated into the surrounding streetscape utilizing native species for the majority of plantings and green roof features.

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

The Project is designed to facilitate connectivity not only through the site but to the surrounding community. The Project includes streetscape improvements to the adjacent public streets to enhance the pedestrian experience and increase mobility, as well as a through alley across the Property to accommodate loading activity and parking access, which will further serve to emphasize the pedestrian-friendly nature of the surrounding public street network and minimize conflicts. The Project includes bicycle facilities within and adjacent to the building, as noted above.

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

Pursuant to Subtitle X § 604.6, the Zoning Commission must find the Project meets the general special exception requirements of the Zoning Regulations. There is a two-pronged test to satisfy special exception review: (1) an applicant must demonstrate that the project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and (2) that it will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Applicant meets these requirements as follows.

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

As made clear in the above discussions, the Project is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Map applicable to the Property. As discussed above, the Project furthers the goals of the CG zones as set forth in Subtitle K § 500.1. Furthermore, the Project is fully consistent with the objective of the CG-4 Zone to permit a mix of residential and commercial uses, with active ground-floor uses and promoting pedestrian safety. 11-K DCMR § 504.1. The Project will meet all applicable CG-4 development standards, including all setbacks required along South Capitol Street.

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

The Project will not result in adverse effects on neighboring properties and, to the contrary, will revitalize a currently underutilized site with development that is much more consistent with the overall planning goals for the area, resulting in substantial benefits for the surrounding area. The proposed multifamily residential use and ground-floor retail will help to support a vibrant community in Buzzard Point and foster the type of dynamic urban development that is appropriate for this neighborhood and the site, particularly given its adjacency to South Capitol Street, the proposed traffic oval and park, and the nearby waterfront. The Project will be an asset to the neighboring community and will help to further establish a superior design character for the immediate vicinity.

VII. The Applicant Requests Design Review Flexibility from Side Yard Requirements and the Restriction on Vehicular Entrances/Exits on South Capitol Street

The Applicant seeks Design Review flexibility pursuant to Subtitle X § 603.1 from the side yard requirements under Subtitle K § 504.9, the penthouse setback requirements under Subtitle C § 1504, and the restriction on vehicular entrances/exits on South Capitol Street under Subtitle K § 510.1(b)(4) in order to provide the through alley located on the north portion of Phase I. Pursuant to Subtitle X § 603.1, the Commission may grant flexibility from setback requirements and “any specific design standards of a specific zone.” The requested flexibility allows the Project to provide the 15-foot setback the Zoning Regulations prescribe along South Capitol Street, accounts for the interim condition of the north wall of the Phase I penthouse, and allows the Applicant to provide a through alley as part of the Project to improve circulation and site access.

Side Yard Flexibility

Pursuant to Subtitle K § 504.9, the CG-4 zone requires that any side yard provided be at least two (2) inches per foot of height and no less than five (5) feet. The Project provides a side setback along South Capitol Street, and has a minimum side yard requirement of 21.7 feet based the building height of 130 feet. The Project provides a 15-foot setback along South Capitol Street which, notably, meets the setback required under Subtitle K § 510.1(b)(1) and meets the requirement under Subtitle K § 510.1(b)(2) that at least 60% of the street-wall be constructed on the 15-foot setback line. Accordingly, the Applicant’s request for side yard relief is fully

consistent with the CG-zone plan for development along South Capitol Street, which envisions a 15-foot setback being established, as proposed by the Project.

Interim Penthouse Setback Flexibility

Pursuant to Subtitle C § 1504, a 1:1 setback is required for all penthouses. Here, the main Phase I penthouse will face onto a closed court to the north after the future phase(s) are constructed but will technically be located on an exterior wall in the interim period prior to construction of the later phases. While no setback is required for penthouses facing onto a closed court, flexibility is needed for the interim condition until the overall Project is completed. Because the north side of the penthouse will ultimately face onto an interior closed court, the requested flexibility is consistent with the intent of the penthouse setback requirements to regulate the visibility of penthouses as seen from the public realm, and it will allow the Project to provide a more generous shared rooftop amenity space for the building's residents.

Vehicular Access Flexibility

Pursuant to Subtitle K § 510.1(b)(4), vehicular garage and loading entrances and exists are prohibited along South Capitol Street. Here, the Applicant proposes to provide a through alley on the north portion of Phase I, which will provide a vehicular and pedestrian connection between Half Street on the west and South Capitol Street on the east. The proposed private alley will increase transportation porosity through the site and will allow parking and loading access for Phase I (and part of the future phase(s)) to be internalized on the site. The proposed curb cuts for the private alley have been reviewed and approved by the Public Space Committee, with support from District Department of Transportation (“DDOT”) staff. The Applicant also continues to work closely with Advisory Neighborhood Commission (“ANC”) 6D, which supports the private alley, in order to develop the design and configuration of the alley to ensure that the alley provides adequate and safe access and passage for vehicles and pedestrians.

As discussed above, additional support for site circulation is especially important for the Property given the limitations associated with the adjacent South Capitol right of way being separated from, and lacking a vehicular connection to, the traffic oval and main South Capitol Street thoroughfare to the north. The through alley will help address the unique challenges associated with this condition and will enhance circulation through and around the block. In particular, the alley will draw vehicular traffic away from S Street to the south of the Property, furthering the goal of making S Street pedestrian-focused as it transitions eastward feeding into the South Capitol Street right of way, which will be a pedestrian-first environment. Accordingly, the proposed through alley connection to South Capitol Street is fully consistent with, and directly advances, the goals of the Capitol Gateway design requirements to establish and maintain South Capitol Street as a monumental boulevard, including encouraging pedestrian enjoyment of the surrounding views to the north toward the Capitol Dome and east toward the waterfront.

VIII. The Applicant Requests Special Exception Relief from Penthouse Requirements

The Applicant seeks special exception relief pursuant to Subtitle C § 1506 from the penthouse single enclosure requirements. Pursuant to Subtitle C § 1503.1, all penthouses are

required to be placed in one (1) enclosure. While a separate enclosure is permitted under Subtitle C § 1503.1(b) for a rooftop egress stairwell, mechanical space is not permitted in a separate stairwell enclosure. The Applicant requests relief in order to include limited mechanical space in the separate stairwell penthouse located on the east side of the building, as shown on Page 35 of the Plans.

Relief from Subtitle C § 1503 is permitted pursuant to Subtitle C § 1506.1. Under Subtitle X § 901.2, in order to obtain special exception relief, an applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties. Additionally, for special exception relief from the roof structure requirements pursuant to Subtitle C § 1506.1, the applicant must demonstrate compliance with certain conditions for relief, including demonstrating that the Project meets one or more of the criteria set forth in Subtitle C § 1506.1(c). As discussed below, the Project meets both the general requirements for special exception relief under Subtitle X § 901.2 and the specific conditions for approval under Subtitle C § 1506.1, and indeed satisfies all four of the criteria under Subtitle C § 1506.1(c).

- A. General special exception requirements of Subtitle X, Chapter 9: the relief requested is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties. (C § 1506.1(a))

The requested relief from the single enclosure requirements for mechanical space is fully consistent with the purpose and intent of the Zoning Regulations and Map and will not result in any adverse effect on neighboring properties. Mechanical space is needed on the east side of the building roof in order to accommodate a stair pressurization unit and HVAC systems for the east side of the building, specifically the variable refrigerant flow (“VRF”) and dedicated outdoor air system (“DOAS”) equipment serving that side of the building. The rooftop layout has been configured with two goals in mind. First, the penthouse is concentrated toward the west side of the building to limit the impact on the South Capitol Street view corridor. Second, the penthouse level and roof terrace are designed to maximize openness on the east side of the building in order to take advantage of the incredible views of the Anacostia River to the east. While it is necessary to provide space for mechanical equipment to adequately serve the east side of the building, locating the required equipment within the discreet separate enclosure for the east stairwell allows the Applicant to minimize the impact on the South Capitol Street viewshed and on the availability of views looking east to the river, thereby benefiting both the residents of the building who will utilize the shared rooftop amenity space and the public as a whole, which will enjoy more open views along South Capitol Street. Accordingly, the proposed separate penthouse is in harmony with the purpose and intent of the Zoning Regulations and will not adversely affect neighboring properties.

- B. Reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks. (C § 1506.1(b))

This requirement is inapplicable as the proposed east stairwell and mechanical penthouse will comply with setback requirements.

- C. The strict application of the requirements of the penthouse regulations would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes. (C § 1506.1(c)(1))

In this case, requiring that the mechanical equipment serving the east side of the building be placed within the main penthouse structure would be unduly restrictive and unreasonable because it would be counter to the purpose and intent of the penthouse regulations and of the CG zone design requirements, which seek, respectively, to limit the visibility of penthouses and to maximize the South Capitol Street view corridor. Locating the mechanical equipment at issue within the modest stairwell enclosure will permit the necessary HVAC systems required to serve the east side of the building while at the same time minimizing its impact on the South Capitol Street viewshed and views from the penthouse amenity space toward the river. Requiring instead that the main penthouse enclosure be expanded and that the necessary equipment be placed within the same enclosure on the east side of the amenity space would undermine both of these benefits, with direct detriment to the building residents and the public as a whole.

- D. 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. (C § 1506.1(c)(2))

For the same reasons discussed above, permitting the HVAC equipment serving the east side of the building to be placed within the proposed discreet stairwell penthouse results in a much superior design that increases openness and enhances enjoyment of the views both along the South Capitol Street viewshed and east toward the river. Further, the stairwell penthouse complies with setback requirements, will reduce visibility for the mechanical enclosure, and will not appear to extend the main building façade.

- E. The relief requested would result in a penthouse or rooftop structure that is visually less intrusive. (C § 1506.1(c)(3))

As explained above, locating the mechanical equipment at issue within the modest stairwell penthouse will be visually much less intrusive than requiring that the central penthouse be extended across the roof to the east side of the building in order to incorporate this equipment. Accordingly, the requested relief will reduce the visibility of the structure consistent with the general objectives of the penthouse regulations.

- F. Operating difficulties, such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area making full compliance unduly restrictive, prohibitively costly or unreasonable. (C § 1506.1(c)(4))

The mechanical equipment proposed to be located within the stairwell enclosure is necessary in order to provide adequate HVAC systems to serve the residential units on the east side of the building. Given the adjacency of South Capitol Street and the stated planning goals of emphasizing openness for the viewsheds both towards the Capitol Dome and toward the river, it would be unduly restrictive and unreasonable to require the central penthouse structure to be

expanded rather than enclosing the needed equipment within the proposed modest stairwell structure.

For all the reasons discussed above, the Applicant satisfies the standards for relief under Subtitle C § 1506 from the penthouse single enclosure requirements.

IX. Exhibits

The following exhibits are attached to this submission:

Exhibit A: Application Form

Exhibit B: Agent Authorization Letter

Exhibit C: Property Owner List

Exhibit D: Certificate of Notice

Exhibit E: Office of the Surveyor Plat

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

Exhibit G: Analysis of Development Impacts

X. Conclusion

For the foregoing reasons, the Applicant asks that the Commission approve this development per the CG-4 Zone District requirements for a building fronting on South Capitol Street. We look forward to presenting this application to the Commission at the public hearing on this matter and appreciate your time reviewing this application.

Respectfully,

_____/s/_____
Christine A. Roddy

_____/s/_____
Lawrence Ferris