



Stadium District Lofts TMASSHLDG, LLC

Application to the
District of Columbia Zoning Commission for
Capitol Gateway Overlay District
Design Review and Related Special Exception
And Variance Relief

Zoning Commission Design Review Application for Square 656, Lot 813
Submission Date: January 8, 2016

★ ★ ★ BEFORE THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA ★ ★ ★			
FORM 108 - APPLICATION FOR DESIGN REVIEW			
Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.			
☒ New Application ☐ Modification to a Previously Approved Design Review Application			
Pursuant to:			
☒ 11 DCMR § 1610 – Capitol Gateway (CG) Overlay District		☐ 11 DCMR § 1809 – Southeast Federal Center (SEFC) Overlay	
☐ 11 DCMR § 2801 – Hill East (HE) District		☐ 11 DCMR § 2917 thru 2919 – Union Station North (USN) District	
an application is hereby made, the details of which are as follows:			
Address(es)	Square(s)	Lot No.(s)	Zone District(s)
1542 1st St SW Washington DC 20024	0656	0813	CR/CG
Present use(s) of Property:	Vacant Single Family residence with significant Fire and vandalism damage		
Proposed use(s) of Property:	New Four Story, Eight Unit Apartment Building		
Owner of Property:	TMASSHLDG, LLC		
Address of Owner:	1252 Half Street SW, Washington, DC 20024		
Phone No.(s):	202 679 9539	E-Mail:	tyler.merkeley@gmail.com
Single-Member Advisory Neighborhood Commission District(s):	ANC6D06		
Brief description of proposal:	Zoning Commission design review of preliminary development plans for a new four story, eight unit residential apartment building. Area variance also requested for 100% relief from code required three onsite parking spaces		
I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)			
Date:	1/3/16	Signature*:	
To be notified of hearing and decision (Owner or Authorized Agent*):			
Name:	Tyler Merkeley		E-Mail:
Address:	1252 Half St. S.W. Washington, DC 20024		
Phone No.(s):	202 679 9539	Fax No.:	N/A
* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.			
ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.			

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BEFORE THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

Application of TMASSHLDG, LLC
ANC 6D

APPLICANT'S STATEMENT

I. INTRODUCTION

This application is submitted on behalf of TMASSHLDG, LLC. (the "**Applicant**") for a new structure and new use located at 1542 1st Street, SW. The subject property of this application is known as Lot 813 in Square 656 (the "**Property**") and consists of approximately 3,000 square feet (SF) in a 24' wide by 125' deep single parcel. The property is located in the SW corner of the square and bounded on the west by 1st Street SW and lies just north of Q Street SW. The Property is included in the Mixed Use Commercial Residential (CR) Zone District and is located in the Capitol Gateway (CG) Overlay District. The Property is a vacant single family residence in the process of being razed.

TMASSHLDG, LLC proposes to develop a new four (4) story multiple dwelling building containing eight (8) residential units. There will be no retail/commercial uses, and there will be no on-site parking spaces provided. Overall building height will be approximately 55' and total gross floor area for the building will total approximately 10,040 square feet.

II. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The Property is located 2 blocks west of South Capitol Street in Southwest (SW) Washington. It fronts west onto 1st Street SW, has no rear alley access to the east, High Road Middle School on its North Boundary and the Shulman Liquor Mart complex and 5 row houses on its south boundary just north of Q Street SW. Fort McNair and National Defense University are located 2 blocks to the west of the Property and the Syphax Gardens housing complex lies north of the Property. Nationals Stadium is approximately 2 blocks NE of the Property and the area in between the stadium and the property is a mix of commercial and residential (approximately 9 row houses) uses. The area south of Q Street SW includes numerous industrial uses, vacant properties, 11 single Family row houses and the under development Pepco Waterfront Substation, and DC United Stadium Complex.

The Property is currently improved with a single family two (2) story residence that has suffered at least two significant fire events and was not restored by the prior owner and is slated for Raze. On December 21, 2015 the Applicant commenced the Raze.

The general area surrounding the Property has had a history of crime, industrial development and few uses that have generated any beneficial pedestrian activity. Pictures of the Property and the surrounding area are included in the attached deck of Architectural Drawings Exhibit.

III. DESCRIPTION OF PROJECT

The Stadium District Lofts is intended to provide market rate housing to D.C. residents eager to live in D.C.'s rapidly emerging Stadium District with both Washington Nationals and DC United's Stadiums a short walk away as well as a short walk to access the Anacostia and Potomac Riverfronts and DC's Capitol Riverfront/Navy Yard developments/services.

The building will contain eight (8) residential units. The range of unit types will include one (1) bedroom unit, five (5) two (2) bedroom units, and two (2) three (3) bedroom units. There will be two units on each of the four floors.

The building will have one Type A and one Type B accessible unit on the ground floor.

In consultation with the District Department of Transportation (DDOT) the applicant will include both long term and short term bicycle storage on site. There will be long term secure bike storage within the building for three (3) bikes along with (4) four U-shaped short term bike racks in the Public Space in the front of the building to serve up to eight (8) bikes for any visitors.

Trash storage will be provided inside the building with pickup likely coordinated with existing trash service for the adjacent Charter School to the north and the Shulman's retail complex to the south.

There are currently no existing curb cuts and none are planned as there will be no onsite parking provided due to the site constraints discussed in the area variance. This site precludes any loading facilities so tenants will be encouraged to plan their move-ins and move-outs to minimize impact to existing street parking conditions.

Centered in the middle of Buzzard Point, Stadium District Lofts will likely be one of the first "standard setting" smaller infill developments in sync with the ["Buzzard Point Vision Framework & Implementation Plan \(Public Draft\)"](#) as it provides a transition from the higher density development south of Q Street SW to the existing lower R-4 Density Residential developments to the north.

The building has been designed to mirror the industrial texture of Buzzard Point's historical use pattern with brick clad exteriors on the east and west walls and fiber-cement board panels [e.g. EIFS] emulating brick façade with textures/patterns on the common walls expected to be some day hidden by adjacent parcel development. Aluminum doors and windows will reflect the existing warehouse style glazing typical in Buzzard Point and prominent in the "in development" Pepco Waterfront Substation project directly located SW across Q from Stadium District Lofts.

The project incorporates a bio-retention rain garden for storm water storage and Public Space in sync with both DDOT's and the Buzzard Point Framework's vision for the neighborhood. It is likely the building will include a green roof and [DC Sustainable Energy Utility \(DCSEU\)](#) is being consulted in regards to sustainable and energy efficient features that are practical for this project. Preliminary LEED for Homes for Mid Rise Multi Family checklist suggests that this project will easily qualify for LEED Silver rating (see Drawing SD-0.031 in our Architectural Drawings Exhibit for the preliminary LEED Checklist.)

The Stadium District Lofts satisfies the Zoning Regulations of a CR building. The project will have a floor area ratio ("**FAR**") of $10,040/3,000 = 3.35$ a maximum building height of 54'6" feet with a lot coverage of 75% all conforming with the requirements of 11 DCMR 600 regulations for the Mixed Use Commercial Residential (CR) District along with the requirements of 11 DCMR 1600 regulations for the Capitol Gateway (CG) Overlay District. The project will include zero (0) onsite parking spaces due to site constraints and approximately 3 long term and 8 short term bicycle parking spaces (further discussion of the on-site parking is discussed in the Area Variance Section below). With no existing curb cuts, no alley access and a narrow 24' wide lot, it is physically impossible to provide for onsite parking spaces on this project. The existing fire damaged home on the property is in the process of being removed under a Raze permit issued by DCRA and the home will be removed shortly.

IV. JURISDICTION OF THE ZONING COMMISSION

The Zoning Commission has jurisdiction to grant approval of the proposed new development and the requested area variance relief pursuant to Sections 1610, and 3104 of the zoning regulations.

The CG Overlay District regulations require review by the Zoning Commission of any proposed building on a parcel(s) located within Square 656. The Property is located on Lot 813 in Square 656 and satisfies the above criteria for Zoning Commission Design Review of the project. As such, this application is submitted pursuant to section 1610.1(e) of the District of Columbia Zoning Regulations ("the Zoning Regulations"), Title 11 of the District of Columbia Municipal Regulations ("DCMR").

Section 1610.7 of the Zoning Regulations states that the Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the Property and that such requests shall be advertised, heard, and decided together with the application for review and approval for compliance with CG overlay provisions. Pursuant to this provision, the Applicant requests area variance relief from the on-site parking requirements as set forth in 2101.1

V. CAPITOL GATEWAY OVERLAY

The CG Overlay was established to promote nine (9) primary goals, as described in 11 DCMR § 1600.2:

- a. "Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of

buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area.”

- b. “Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses” (*not applicable to this property*);
- c. “Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment” (*not applicable to this property*);
- d. “Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points” (*not applicable to this property*);
- e. “Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, SE, near the Navy Yard Metrorail station” (*not applicable to this property*);
- f. “Provide for the development of Square 702-706 and Reservation 24 7 as a ballpark for major league sport and entertainment and associated uses” (*not applicable to this property*);
- g. “Provide for the establishment of South Capitol Street as a monumental civic boulevard” (*not applicable to this property*).
- h. “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” (*not applicable for this property*); and
- i. “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” (*not applicable to this property*).

The proposed project is consistent with and furthers the applicable goals of the CG Overlay noted here.

VI. BURDEN OF PROOF

Pursuant to Section 1610.3 of the Zoning Regulations, the Applicant must demonstrate that the application satisfies the requirements of Section 3104 as well as the specifically delineated requirements of the CG Overlay. The Applicant satisfies this standard as follows:

A. The Applicant satisfies the Special Exception Standards with regard to Zoning Commission review under the CG Overlay regulations

1. **The proposed design is "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map" (Section 3104.1)**

There is a two pronged test to justify the request for special exception relief. An applicant must demonstrate that the project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and that it will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The general purpose and intent of the Zoning Regulations and Zoning Maps is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare. 11 DCMR § 101.1. Specifically, the requested relief must take into consideration the character of the respective districts as well as the suitability of each district for the uses permitted; and must be designed to encourage the stability of districts and of land values. *Id.* at § 10 1.2. The CG Overlay outlines a number of considerations that should be weighed in determining if an application is in harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

a) *The Proposed Building Will "Help Achieve the Objectives of the CG Overlay District as set Forth in Section 1600.2."*

The project will achieve the one goal of the CG Overlay District that is applicable to this Property—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.

The height and density of the proposed residential structure is significantly less than what is permitted in the CG/CR Zone District as a matter-of-right. The proposed building will have a building height of approximately 55' feet compared to the 90 feet permitted in the CR Zone as a matter-of-right. Similarly, the proposed FAR of 3.35 is less than 60% of the 6.0 FAR which residential buildings are permitted to achieve as a matter-of-right in the CR Zone.

The Stadium District Lofts will introduce a style of multi-story, multi-family market rate housing use on the Property that does not currently exist anywhere else in the surrounding neighborhood—a new smaller mid-rise contemporary design and amenity package building oriented to the walk, live, work neighborhood lifestyle. This proposed use is ideally suited for this Property, which can be considered to be a transitional area located between the residential uses to the north of the Property, the industrial uses to the south and the institutional uses to the west.

The proposed building will provide market rate housing to DC residents wanting to embrace a lifestyle less dependent upon personal vehicle ownership and more dependent upon, Metro, bicycle, car/ride share and walking to travel within their neighborhood and city. The Stadium District Lofts is expected to generate 5-10 construction jobs.

- b. *"Help Achieve the Desired Mix of Uses in the CG Overlay District as set forth in 1600.2(a) and (b)"*

As noted above, the Property is surrounded by industrial, institutional and residential (multi-family and single-family) uses. The proposed height and bulk of the project is generally consistent with the scale of development in the surrounding neighborhood.

- c. *"Be in Context with the Surrounding Neighborhood and Street Patterns." (Section 1610.3(c))*

As demonstrated in the enclosed Architectural Drawings Exhibit, the project is contextual to the surrounding neighborhood and street patterns; offering distinct facade designs for each of the building's elevations and providing an innovative design to connect to the distinct characters of each of the street frontages as well as immediately neighboring buildings.

- d. *"Minimize Conflict Between Vehicles and Pedestrians." (Section 1610.3(d))*

The proposed design promotes a safe pedestrian experience along 1st Street, SW. Currently there are no curb cuts on the Property. Based on consultation with representatives of the **DDOT**, the Applicant has agreed to widen the existing sidewalk and align to the new DDOT Buzzard Point Guidelines for Streetscape when publicly released. A widened sidewalk along 1st street will provide more pedestrian capacity in anticipation of "game day" foot and bicycle traffic along 1st Street SW accessing both DC United's new stadium one block south and Nationals Stadium two blocks East.

Applicant has also agreed to Office of Planning's (OP) and DDOT's request to develop the "Public Space" along 1st Street to provide 8 new bicycle parking spaces adjacent to the new 6' wide sidewalk for daily and game day use.

Applicant's Traffic Demand Management (TDM) plan to be submitted prior to the Zoning Commission Hearing will also include several items developed in discussions with DDOT to reduce vehicle traffic associated with these residential units. The Proposed Public Space Perspective Drawings (SD-0.091) in the Architectural Drawings Exhibit provides a good vision of these components implemented in the project. These steps agreed to by the property owner will allow for unimpeded flow of pedestrian activity along 1st Street SW.

- e. *The Proposed Building Will "Minimize Unarticulated Blank Walls Adjacent to Public Spaces through Facade Articulation." (Section 1610.3(e))*

The elevations and perspectives included in the Architectural Drawings Exhibit depict the proposed building facades. The proposed design includes full height glazing for both the east and west faces of the building which are likely to have long term exposure to public spaces. Both the East and West facades of the building will have a brick finish to them which will also continue a minimum of 24" around to the longer north and south facades of the building.

The North and South are longer facades and are most likely to eventually be hidden from public view by anticipated development on the two adjacent parcels which are significantly larger (6,138 sf and 13,026 sf respectively) than this property. At least one of these properties is currently for sale and being evaluated for significant development by larger established regional developers looking to maximize the CR/CG development potential of the corner lot to the south and/or the larger lot to the north which also has existing alley access.

The size of this project and the likelihood that the longer walls are most likely to be hidden from public view strongly suggested the use of EIFS sheets for their siding finish to provide texture and color compatible with the brick facades on the east and west faces of the building. The two tone EIFS pattern is similar to another building in the Navy Yard (e.g. Parc Riverside 1011 1st Street SW) and ensures no "unarticulated Blank Walls." The applicant has proposed the use of two tones, "327 Mocha" which will cover two-thirds of wall to pull out warmer tones of the brick section and "305 Plum" which will cover one-third of the wall to pull out the cooler slate tones of the brick section. The cost of other siding alternatives is simply not feasible on a project of this size, especially when as shown in the building perspective views in the Architectural Drawings Exhibit these walls will most likely be hidden from public view in the near future as the neighborhood develops to its full potential under the CR/CG zoning.

- f. *"Minimize Impact on the Environment, as Demonstrated through the Provision of an Evaluation of the Proposal Against LEED Certification Standards." (Section 1610.3(f))*

The Applicant is still in the process of exploring opportunities to maximize sustainability in the design, construction and operation of the building. At this time, the Applicant contemplates the building will meet LEED Silver standards for Midrise Multi-family Construction.

The preliminary checklist for LEED for Homes Midrise can be found in the Architectural Drawings Exhibit at SD-0.031. The checklist shows that a LEED Silver Certification level is very likely achievable and the applicant expects to pursue this level of certification so long as it is both practical and feasible economically.

In any event a green roof, Bio Garden and green area ratio exceeding the minimum requirements are all not only feasible but desirable components for this project. As an expected long-term owner of the property, the applicant finds most of the LEED requirements not only increase the desirability of the project in D.C. to renters, but also provides for both lower operating costs as well as lower maintenance costs over the long term.

2. The Proposed building "will not affect adversely the use of the neighboring property in accordance with the Zoning Regulations and Zoning Map" (Section 3104.1)

In 2005, the Property was rezoned from the Industrial C-M-2 Zone District to CG/CR Zone District. This application will allow for the removal of a vacant dilapidated residence and its replacement by a new residential apartment building use that will add vibrancy and activity to the area, without overwhelming the adjacent residential use.

The existing house has been vacant for many years and suffered at least two significant fire events. Consequently, it has been an ongoing source of problems in the neighborhood as a result of individuals loitering around and in the property with some engaging in both illegal and bothersome activities. This was having a very strong negative impact on neighboring properties. The Applicant's purchase of this property immediately decreased the negative impacts of the property and the Raze of the dilapidated building will remove this eyesore, thereby benefiting the community.

The design of the new structure and proposed use will minimize any adverse impacts on the adjacent properties. The existence in the current design of a front yard "public space," a rear yard private space and a roof top deck will evenly distribute any outdoor activity on the parcel in order to minimize the impact on the neighboring properties.

B. The Applicant satisfies the Area Variance standard with regard to its request for relief for the proposed number of parking spaces from three (3) to zero (0)

Section 1610.7 of the Zoning Regulations states that the Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the Property and that such requests shall be advertised, heard, and decided together with the application for review and approval for compliance with the CG overlay provisions. Pursuant to this provision, the Applicant requests 100% area variance relief from the requirement for three onsite parking spaces, as set forth in Section 2101.1 of the Zoning Regulations.

1. Area Variance for Onsite Parking Spaces requirement

The Applicant requests area variance relief pursuant to 11 DCMR § 3103.2 for an area variance from the on-site parking space requirements of 11 DCMR § 2101.1. Applicant is required to provide Three (3) on-site parking spaces per Section 2101.1 under the current design Zero (0) on-site parking spaces are provided.

The test for area variance relief is three-part: (1) demonstration that a particular piece of property is affected by some exceptional situation or condition (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owners; and (3) that the relief requested can be granted without substantial detriment to the public good or substantial impairment of the zone plan. As set forth below and will be further addressed in the Applicant's prehearing submission and at the public hearing, variance relief is appropriate in this application.

- a. The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;*

The Property is exceptional in that it is extremely narrow 24' wide and 125' deep. It also has neither an alley access nor existing curb cut.

b. the owner would encounter practical difficulties if the zoning regulations were strictly applied; and

The strict application of the Zoning Regulations will result in a practical difficulty upon the Applicant in that it will significantly constrain the Applicant's efforts to provide three (3) on-site parking spaces. With no way to access the lot there is no ability to provide grade level parking on the property. And because of the extremely narrow width of the property there is no feasible way to provide either above ground or below ground parking within the building footprint. Absent relief from the on-site parking requirement, the Applicant will not be able to develop this building.

c. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The requested relief can be granted without substantial detriment to the public good and without substantially impairing the zone plan.

The existing on-street parking capacity as demonstrated by the recently conducted Parking Study provides sufficient unused prime time spaces to handle the additional parking created by this Property being granted 100% relief from the requirement for three on-site parking spaces. The lack of existing traffic congestion in the neighborhood along with the relative proximity to public transportation, particularly the two Metrorail stations (both within 7 blocks) and the availability of public transportation services in the area suggests that the incremental impact of granting this relief will have no impact on the public good and surrounding neighborhood. Applicant intends to provide additional Traffic Demand reduction measures as part of the Transportation Demand Management (TDM) Plan which will be submitted prior to the Public Hearing.

The following information is attached to this submission:

1. Completed application form (Form 108) for Design Review and also completed Board Zoning Adjustment Fee Calculator form (Form 126) determining the cost of the Design Review filing fee and associated Area Variance Relief request fee regarding parking requirements.
 - a. Application Form 108 (Exhibit A)
 - b. Fee Calculator Form 126 (Exhibit B)
2. Plat Issued by District of Columbia Surveyor with footprint of proposed building drawn (Exhibit C);
3. Excerpt of Zoning Map (Exhibit D);
4. Architectural Drawings, including elevations, perspective views, floor plans, sections, and building materials of the proposed residential apartment Building (Exhibit E);
5. Color photographs of the Site (Exhibit F);

6. List (and associated mailing labels) issued by the District of Columbia Office of Tax and Revenue of nearby property owners within 200' feet of the perimeter of the Property (Exhibit G);
7. Project Overview and Stakeholders Brief (Exhibit H); and
8. Copy of Applicants Check for \$2,600.00 for filing/application fees. (Exhibit I);

VII. CONCLUSION

For the foregoing reasons, the Applicant requests that the Commission conclude that this project satisfies the CG Overlay requirements. The Applicant also asks that the Commission approve the request for area variance relief for the number of onsite parking.

We look forward to presenting this application to the Commission at the public hearing on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Merkeley', with a stylized flourish at the end.

Tyler. G. Merkeley, President
TMASSHLDG, LLC.