

Anthony Hood, Chairman  
Zoning Commission of the District of Columbia  
441 4<sup>th</sup> Street, NW  
Washington, DC 20001

VIA EMAIL: [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov)

**Re: ZC 08-30C, Application of 25 M St. Holdings LLC for Modification of Approved Design in the Capitol Gateway Overlay District**

Dear Chairman Hood and Members of the Zoning Commission,

At a regularly scheduled and properly noticed public meeting on March 14, 2016 with a quorum present, a quorum being four Commissioners, Advisory Neighborhood Commission (ANC) 6D voted 6-0-0 to send the following letter.

This letter is in support of 25 M St. Holdings LLC (“the applicant”) and their requested modification to Zoning Commission order 08-30 as amended by order 08-30A. The modifications do not change the height of the building but do reduce the amount of office space in the building by over 22,000 square feet. The applicants believe their modified building will be more appealing to tenants, and ANC 6D supports construction that will be leased quickly.

However, ANC 6D has several comments on its support for the modification.

*Community Benefits*

Exhibit 23 of Zoning Commission (ZC) case 08-30 is a Community Benefits Agreement (CBA) for the site, negotiated by 08-30’s applicants, ANC 6D, and the Community Benefits Coordinating Council. The CBA addresses the applicant’s commitments regarding local hiring, environmental protection, traffic, parking, community relations, and other topics. ANC 6D expects the applicants to continue to abide by this CBA regardless of any modifications allowed or denied by the Zoning Commission.

*Specific Relief Requested*

The proposed modifications do not create any additional areas where relief from the Capitol Gateway Overlay’s requirements is needed.

ANC 6D does not oppose the applicant’s request for relief from the Capitol Gateway Overlay’s M Street setback requirement (1604.3). There is ample area for pedestrian on the M Street sidewalk and in fact the proposed building provides a 15’ setback at street level; it is only above the ground level that the building projects into the 15’ setback area. ANC 6D supports the building’s varied design, including the diagonal feature on the northeast portion of the building (at the corner of M and Half Streets), believing that it reduces the feeling of bulkiness one might otherwise expect from a building with such high lot occupancy. ANC 6D expects that the applicants’ public space permit request will include extensive landscaping on the public-facing portions of the street level. The applicants should also plan their public space understanding that

the residential properties surrounding 25 M St. will house many dogs; plantings must either be designed to withstand the presence of dogs or set off in such a way that dogs cannot access them. Waste disposal bags and receptacles will be helpful. ■

ANC 6D does not oppose the applicant's request for relief from the setback requirements in section 1607.2 of the Capitol Gateway Overlay. The proposed design provides variety at the ground level and steps back substantially in the upper floors. The design provides light, ventilation, and visual interest at the street level, for those viewing the building from higher up, and for building occupants.

ANC 6D does not oppose the applicant's request for relief from the preferred use requirements in section 1607.3 of the Capitol Gateway Overlay. This application proposes over 20,000 square feet of ground-floor retail space, more than was in the previously approved plan. The overlay requires 75% of ground floor space to be used for preferred uses but the applicants propose to only provide 72% for such uses. Although trash and recycling rooms are not preferred uses, allowing these features on the ground floor means the building will not have to use external dumpsters, which will reduce noise, litter, and vermin. Similarly, allowing a parking ramp on the ground floor allows office and retail users of the building to park in below-grade parking, reducing the burden on surrounding garages and streets. The applicant has indicated that it hopes to provide garage parking for visitors to Nationals Park and other nearby events on evenings and weekends, though that is subject to negotiation with building tenants. ANC 6D enthusiastically supports the use of underground parking spaces for special event parking. If the applicant chose to restore the previously-approved third level of parking, ANC 6D would not oppose this as it would allow for additional off-street parking.

Since the previous iteration of this project was approved, the District of Columbia has adopted new requirements for penthouse setbacks. ANC 6D does not oppose the applicant's request for a special exception to penthouse setback requirements in section 411.18(c)(5). The applicants propose an 8-foot setback when the 1:1 setback requirement would indicate a 16-foot setback along the pedestrian via. The difference will not be visible from street level. Furthermore, the additional penthouse space requires the applicant to make a contribution to the District's Affordable Housing Production Trust Fund, and ANC 6D supports production of more affordable housing.

### *Environmental Concerns*

ANC 6D supports green building. The ZC order in 08-30A required that the project would achieve LEED Gold certification in both its residential and non-residential portions, and then was amended to allow Silver in the residential portion and Gold in the non-residential portions. However, the CBA indicates a willingness to target LEED Platinum certification. The applicants have submitted a LEED scorecard that shows they expect to achieve 70 points and may achieve up to 23 more points: LEED Gold requires 60 points and Platinum requires 80 points. ANC 6D requests that the ZC not reduce the applicant's obligations in this area and expects that the applicants will adhere to the CBA.

This project is located very close to the Anacostia River, which provides habitat for 172 species of birds,<sup>1</sup> including bald eagles.<sup>2</sup> It is therefore important for the building's design to balance a

desire for openness (and a requirement for a large amount of clear or low-emissivity glass in streetwalls facing M Street, Section 1604(e)) with the need to protect birds from collisions with glass. As recommended by the Audubon Society's Bird-Safe Building guidelines,<sup>3</sup> ANC 6D supports reducing glazing reflectivity on the building's retail areas and/or the introduction of "visual noise" such as bird-deterrent window films or etching. These actions could also help the project receive credit for LEED-NC SSc5.1, Site Development—Protect or Restore Habitat.

#### *Site Management: Construction and Operations Phases*

ANC 6D opposes after-hours construction and construction-related work on sites close to residences in accordance with DCMR 12A section 105.1.3. Given the proximity of the site to existing residential buildings (as well as residential buildings in the planning and construction phases that might be occupied when construction occurs at 25 M St. SE), ANC 6D requests that if the applicants or any successors or subordinates request an after-hours permit, they will also inform the Commission of the request and the reasons for it, so that neighborhood residents can understand the need for the permit application and have the opportunity to provide feedback to DDOT and DCRA. In addition, ANC 6D requests that the applicants or any successors or subordinates send an electronic copy of any issued after-hours permit to the Commission and the Commissioner in whose Single-Member District the project is located, at least 24 hours before the commencement of after-hours work. Inclusion of this commitment in the Zoning Commission's order is a condition of ANC 6D's support for the applicant's proposed modifications.

The project will require careful design of the parking lot for safe office and retail use, as well as creation of an effective loading plan. The applicants have indicated they are consulting with DDOT to develop a transportation demand management plan and a loading management plan for the site. Relief should only be granted when these plans have been developed to DDOT's satisfaction and submitted to the ZC. These documents must include an adequate plan for situations when emergency services are required at the building (either during construction or operation), especially if such a situation occurs while a major event is happening at Nationals Park.

ANC 6D supports efforts to encourage pedestrian, bicycle, and public transit access to the site. ANC 6D also supports the idea of paving Van Street SE with special materials to increase the draw and character of the street, with the understanding that the applicants and adjacent developers will pay the cost of the special paving materials. ANC 6D further supports the project's proposal for a "curbless street" along Half Street to facilitate pedestrian circulation when events occur at Nationals Park, so long as the street features the planned vegetation (the CBA indicates an agreement to provide "planting strips" along Half Street SE) and provides a way of distinguishing between areas that are always pedestrian-only and those that are sometimes open to cars (perhaps by changing the color or orientation of paving materials). Curbless streets, sometimes called festival streets or woonerfs, allow for faster pedestrian flows and slower automotive speeds.<sup>4</sup> ANC 6D supports the use of permeable pavers for stormwater

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<sup>1</sup> <http://www.anacostiaws.org/news/blog/birds-anacostia-watershed>

<sup>2</sup> <http://www.chesapeakeconservancy.org/bald-eagle>

<sup>3</sup> <http://www.nycaudubon.org/our-publications/bird-safe-buildings-guidelines>

management and cushioned, long-lasting paving materials that do not become slippery when wet, for pedestrian safety.

ANC 6D thanks the Zoning Commission in advance for its careful consideration of the comments in this letter.

Respectfully submitted,

Andy Litsky  
Chair, ANC 6D

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<sup>4</sup> See [http://www.seattle.gov/transportation/rowmanual/manual/6\\_2.asp](http://www.seattle.gov/transportation/rowmanual/manual/6_2.asp), <http://www.pps.org/reference/8-principles-streets-as-places/>, [http://seedmagazine.com/content/article/where\\_the\\_sidewalk\\_ends/](http://seedmagazine.com/content/article/where_the_sidewalk_ends/), [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjn07bGZ\\_KAhXD4D4KHylvAQ0QFggdMAA&url=ftp%3A%2F%2Fftp.ci.austin.tx.us%2FPWD\\_ESD%2FEngineeringServices%2FSecond\\_Street%2FArchive%2FADA\\_Coordination%2F05%2520Curbless%2520Streets%2520Research%25202007-07-30%2520pub1.pdf&usg=AFQjCNEidZA8KrUqYuAQEg9DfzNrJnLzdg&sig2=ElGuma35xMMJbVUF-3xmrQ](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjn07bGZ_KAhXD4D4KHylvAQ0QFggdMAA&url=ftp%3A%2F%2Fftp.ci.austin.tx.us%2FPWD_ESD%2FEngineeringServices%2FSecond_Street%2FArchive%2FADA_Coordination%2F05%2520Curbless%2520Streets%2520Research%25202007-07-30%2520pub1.pdf&usg=AFQjCNEidZA8KrUqYuAQEg9DfzNrJnLzdg&sig2=ElGuma35xMMJbVUF-3xmrQ)