

TO: District of Columbia Zoning Commission
FROM: Stephen Cochran, Development Review Specialist
JL for Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: September 3, 2020
SUBJECT: Report on Zoning Commission Case No. 21-09 – Application by US Union Square DC 899 LLC et al. for Downtown Design Review for 899-901 North Capitol Street, N.E.

I. OP RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission **approve** the application for review pursuant to Subtitle I, § 617.7 (North Capitol Street Corridor Sub-Area of Downtown) Subtitle I, Chapter 7 [(Downtown) Design Review], and Subtitle X, Chapter 9 (special exception review), subject to the conditions noted below and the provision of the indicated information.

Materials

The color of the masonry facing of the additions shall be the same for 899 and 999 North Capitol Street. The color shall be similar to that shown for 899 North Capitol in Exhibit 12A2, plan Page 38.

The applicant has agreed to this.

Public Access

The applicant shall continue to provide east-west access through the site for pedestrians on a walkway within the former right of way of I Street, N.E. This walkway connects with a similar access corridor to 1st Street, N.E. on the east-adjacent property. The access shall, at a minimum, be provided between 7:00 a.m. and 7:00 p.m. Appropriate signage shall inform the public of the passageway, its access and its hours of operation.

The applicant has agreed to this.

Signage

There shall be no signage located more than 20 feet above the grade of the nearest property line on a north, south or west-facing wall of any building, other than: signage where it now exists on 899 North Capitol Street; and new signage in the area labelled Location 4 on Exhibit 12A2, Plan page 43. Other signage on the north, south or west walls shall be permitted at or below 20 feet above the adjacent grades, with each sign not exceeding 277

square feet. Signage on east-facing walls shall be as permitted by District’s Construction Code signage regulations.

The applicant has agreed to this.

Sustainability

The proposed hotel shall be designed to achieve at least LEED Silver (v4) certification and the applicant shall seek such certification.

The applicant has agreed to this.

OP has asked the applicant to provide the following additional information by the hearing, to which the applicant has agreed:

- An elevation showing the proposed final state of the project as viewed from North Capitol Street;
- Roof plans showing, in particular, the areas for which a green roof is proposed;
- An illustration showing the eastern elevation of the 901 North Capitol Street hotel, as it would appear in three dimensions; and
- Information on how hotel guests will be dropped-off and picked-up.

OP has also encouraged the applicant to consider:

- Providing solar panels on the 901 North Capitol Street hotel;
- Designing the 901 North Capitol Street building to a LEED Gold standard;
- Other sustainability measures noted in the comments from the District Department of Energy and Environment (DOEE) that are appended to this report.

II. SUMMARY OF APPLICATION AND PROPOSALS

Applicant:	US Union Square DC 899 LLC, US Union Square DC 901 LLC and US Union Square DC 999 LLC
Address:	899 – 999 North Capitol Street, NE
Legal Description:	Square 675 Lot 298 (A&T Lots 853-855)
Boundaries:	The site fronts on the east side of the 900 block of North Capitol Street. It is bounded by K Street, NE on the north, an office building at 801 North Capitol Street on the south and several buildings on the east that have frontage on either 1 st Street, NE or K Street, NE. The former right-of-way of I Street, N.E. runs through the southern part of the site.
Ward/ANC:	Ward 6 / within ANC 6C and across North Capitol St. from ANC 6E
Site’s Current Use:	Two nine-story office buildings atop an underground garage, flanking a sunken plaza. The north building includes a one-story convenience store on K Street.

Adjacent Development: North: K Street, across which is a red brick former church and a one-story moving and storage facility and parking lot. East: a two-story office building and surface parking, and three 10 to 11-story office buildings. South: 9-story office building. West: North Capitol Street, across which is the Gonzaga high school campus of red-brick classroom and church buildings and a sports field.

Neighborhood Context: The site is on the eastern border of NoMA. This immediate area is largely office. West of the rail tracks, between the north side of K Street and New York Avenue, N.E., office uses also predominate but there are an increasing number of residential buildings, and an existing and a planned hotel. A 19th century former church on the northeast corner of North Capitol and K Streets, NE is planned for conversion to an entertainment use. A few of NoMA's PDR uses remain, including one across K Street from the applicant's site.

While most of the NoMA buildings are modernist concrete or glass structures, there are also a considerable number of 19th and 20th century buildings of red-brick in the broader context, including the large U.S. Government Printing Office, a Richardsonian revival office building, the Gonzaga complex and the former church at North Capitol and K Streets.

Zone: D-5 (high-density commercial or residential)

Property Size: 137,579 square feet

Project Summary: The project would be completed in two phases.

In the first phase, the applicant would renovate the two existing office buildings at 899 and 999 North Capitol and add a net 1,167 square feet of enclosed space, including some retail, on the first level of the north building, facing North Capitol Street and part of K Street. The second phase would add a free-standing, wood-framed, seven-story, 85-foot-high hotel constructed atop the plaza and garage between the two existing buildings. It would contain 88,380 square feet of lodging use and 7,695 Square feet of retail space. The overall FAR at project completion would increase from 4.59 to 5.29.

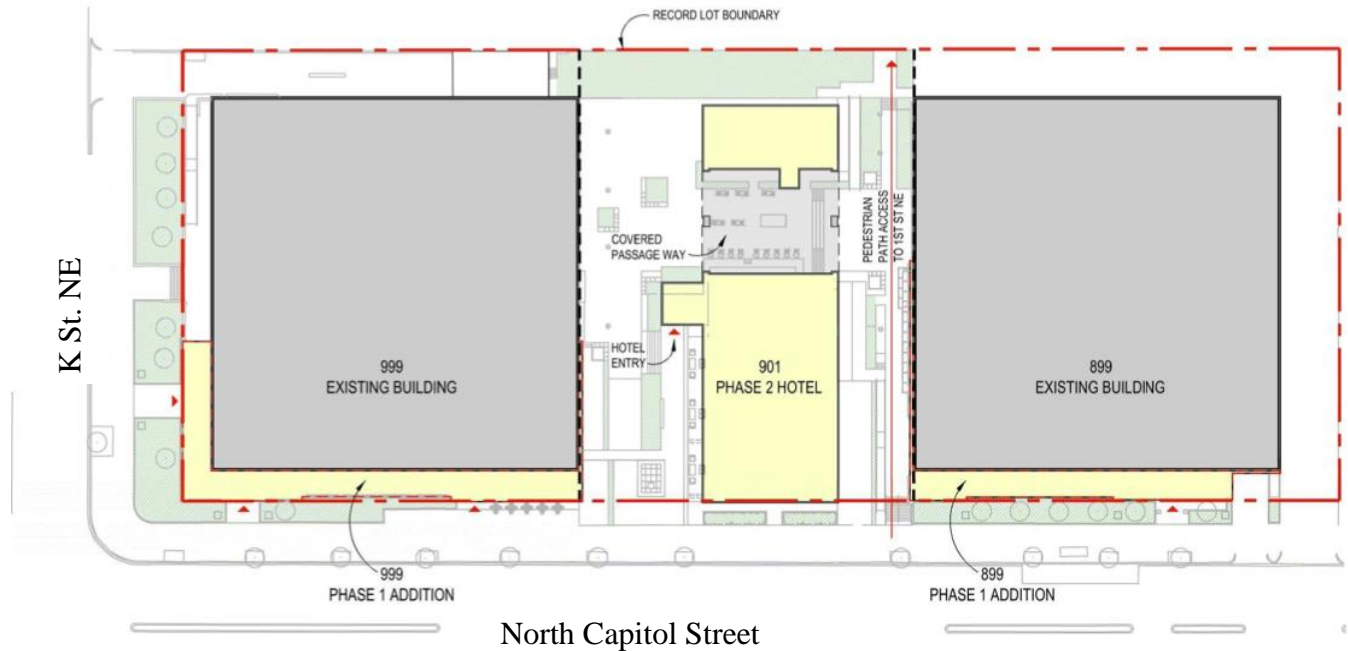


Figure 1. Phases 1 and 2 Site Plan. Areas in Yellow are New Construction.

III. PROJECT DESCRIPTION

The existing buildings are set back approximately 15-feet from the North Capitol Street and K Street property lines. The lowest half of the first floor is sunk approximately four to seven feet below-grade, depending on location. Renovations would not change the exterior appearance of existing buildings 2nd through 9th floors or the penthouse. However, there would be 1 ½-story additions that would fill in the below-grade area behind the property line along North Capitol Street and a portion of K Street. The space in the north building would be primarily for offices, although the southwest corner of the first floor and first below-grade level would be used for retail space that would open to both North Capitol Street and the central plaza. The space in the south building would provide for a new entrance on North Capitol Street and for a double-height lobby. That addition would not contain retail space. The existing buildings are light in color and of modern design using light aggregate and glass, while the additions would be contemporary, employing grayish brick, glass, steel, and metal panels.

The second phase would be a new free-standing wood-framed seven-story, 85-foot high, 102-room hotel constructed atop the plaza between the two existing buildings. The western face would be flush with the North Capitol Street property line, which would place it approximately 15-feet closer to North Capitol Street than the 2nd to 9th stories of the existing buildings. Other than the entry pavilion on the north side, 64 feet of the plaza would remain on the north side of the building and 39 feet would remain on the south side. A 50' by 69' space at the ground level would be left open to the air and covered above that level, to connect both sides of the plaza. The southern portion of the plaza, which is in the former right of way of I Street, NE would remain open to enhance an existing pedestrian connection between North Capitol Street and 1st Street on the applicant's property and the property to the east.

The general design of the building would reflect several older red-brick buildings across from the hotel, on the west side of North Capitol Street.

IV. EVALUATION

A design review application in a downtown zone sub-area is not required to undergo as extensive a review as what is required, for example, for a PUD or for a project in a zone such as the Capital Gateway. The review is specifically exempted from the design review process in Subtitle X, Chapter 6 by X §601.1, and does not, for instance, require a review of the project's relationship to the Comprehensive Plan. The following three sub-sections evaluate the proposal against the required criteria.

A. Conformance with Subtitle I §617 for Buildings in the North Capitol Street Corridor Sub-Area of the Downtown Zones

§ 616 NORTH CAPITOL STREET SUB-AREA

§ 617.1 The objective of the North Capitol Street Corridor Sub-Area is to ensure the preservation of the historically important axial view of the Capitol Dome.

The project would conform to this provision. The proposed additions and new building would not intrude on the North Capitol Street axis. The two existing light aggregate and glass modernist buildings are set-back approximately 15 feet from the North Capitol Street property line. Their Phase 1 1 ½ story brick-steel and glass additions would be at or within a few feet of the North Capitol property line. The proposed new Phase 2 dark-red brick hotel building would be constructed to that property line so would help to define the North Capitol Street axis, is relatively low compared to other buildings in the 800 and 900 blocks of North Capitol Street's east side and its color and materials would be balanced by the larger context by other buildings to the north, west and south. It should not detract from the view to the Capitol Dome.

§ 617.2 The general location of the North Capitol Street Corridor Sub-Area is one (1) or both sides of the designated primary street segments North Capitol Street between Louisiana Avenue, N.W. and K Streets, N.W. and N.E., indicated with green lines in Figure I § 617: Illustration of the North Capitol Street Corridor Sub-Area and Designated Street Segments, and detailed in Subtitle I § 617.3 and including all or parts of Squares: 624, 625, 626, 628, 630, 675, 676, and 677.

The property is within the sub-area, in Square 675.

§ 617.3 The North Capitol Street Corridor Sub-Area includes the following designated street segments and adjacent zoning:

TABLE I § 617.3: NORTH CAPITOL STREET CORRIDOR SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING					
Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
North Capitol St.	West	D-4	H Street, N.W.	G Street, N.W.	Tertiary
North Capitol St.	West	D-3	G Street, N.W.	D Street, N.W.	Tertiary; (also in Capitol Security Sub-Area)
North Capitol St.	East	D-5	K Street, N.E.	G Street, N.E.	Tertiary

The site fronts on a tertiary street but is not on a segment subject to any additional use or design requirements under Subtitle I § 603.2.

§ 617.4 The zone district use regulations shall govern uses in a building with frontage on a designated street segment.

The proposed office, retail and hotel uses are permitted by-right in the D-5 zone.

§ 617.5 Not less than seventy-five percent (75%) of each newly constructed building wall to a height of at least fifteen feet (15 ft.) that fronts a designated tertiary street segment shall be constructed to, or within four feet (4 ft.) of, the property line between the subject lot and the abutting street right-of-way.

All the new construction would be on or within four feet of the North Capitol Street property line.

§ 617.6 Any portion of a building frontage on a designated tertiary street that exceeds one hundred ten feet (110 ft.) in height shall provide an additional one-to-one (1:1) setback from the building line along North Capitol Street.

This is not applicable as neither the existing nor the proposed new construction exceeds 110 feet. Penthouses are appropriately set back.

§ 617.7 All proposed buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in Subtitle I § 618.4 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7.

The review against Subtitle I, Chapter 7 follows.

B. Conformance with Subtitle I § Chapter 7 Design Review Requirements for Certain Locations in the Downtown Zones

Sections 701.1 and 701.2 require the “uses, site plans [and] buildings” to be reviewed by the Zoning Commission in accordance with the following provision in Chapter 7.

§ 701.2 (a) *In addition to proving that the proposed use, building or structure meets the special exception standards set forth in Subtitle X, Chapter 9, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:*

(1) Help achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6, in which it is located:

As noted above, and with the recommended signage Condition, the design does not interfere with the North Capitol Street axis or the view of the Capitol Dome – the two objectives of the sub-area.

(2) Be in context with the surrounding neighborhood and street pattern;

The project would be generally in context with the surrounding neighborhood and street pattern, although some improvements may be possible.

The site plan would most clearly be consistent with the surrounding street patterns and would not intrude on their rights of way. It would reinforce the street pattern on North Capitol Street and would preserve the pedestrian path that marks the former right-of-way of I Street, N.E. The project would retain the existing parking and loading entrance on North Capitol Street. The Zoning Regulations do not prohibit such openings on tertiary streets.

The proposed Phase 2 hotel would reinforce the red-brick architecture of six nearby buildings, including the classical church building at Gonzaga High School and the tri-partite Richardsonian Government Printing Office and the PUD at the northwest corner of North Capitol and H Streets, N.W. OP has recommended that the applicant continue to explore the relationship between the proposed brick color and the brick color of nearby brick buildings.

The additions to the existing buildings would be consistent with other 21st century buildings in NoMA and the brick detailing is consistent with the nearby office building at K and 1st Streets, N.E. However, specific aspects of the design of the additions may not contribute to furthering North Capitol Street as the “monumental civic boulevard” described in I § 701.2 (b) (1), as is noted below under that criterion.

(3) Minimize conflict between vehicles and pedestrians;

The design minimizes conflicts by retaining the existing parking and loading entrance, by providing no new vehicular entrances and by enhancing the pedestrian connection between North Capitol Street and 1st Street. The project would also provide several seating areas within the plaza.

(4) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and

The design includes no blank walls adjacent to public spaces. However, the eastern wall of the Phase 2 hotel would be blank. Because it would face office windows on adjacent properties, OP has encouraged the applicant to continue evaluating and refining the design of this wall.

(5) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards;

The applicant has provided a LEED checklist scorecard indicating the project would meet LEED Silver standards. It intends to recertify the existing buildings as LEED Silver and has agreed to having the 901 North Capitol Street hotel be LEED Silver certified. The applicant will be filing additional information to the record regarding this certification. Since many of the LEED Silver points would be achieved simply by virtue of the project's location, OP and the Department of Energy and the Environment (DOEE) have encouraged the applicant to meet LEED Gold standards for the Phase 2 hotel.

§ 701.2 (b) With respect to a building or structure in a D zone that has frontage on South Capitol Street, S.E. or North Capitol Street south of M Street N.W.:

(1) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of, respectively, South Capitol Street or North Capitol Street as monumental civic boulevards.

The design would enhance the appearance of this block of North Capitol Street by better-defining the streetwall, and by transforming a usually vacant plaza into one that would accommodate a new building and enlivening it with a retail use and new pedestrian seating areas. OP has encouraged the applicant to consider changes to the facades of the additions that would improve their visual relationship to the existing buildings and better-unify the composition of the three buildings to enhance North Capitol Street as a monumental civic boulevard.

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

The nearest residential building is a block away at 1st and K Streets, N.E. The proposal would not negatively impact residential uses in NoMA and may provide additional retail and amenity space for nearby residents.

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

This is been provided in Exhibit 3F, Sheet A09 and later exhibits.

§ 701.3 The Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

The applicant has not requested any special exceptions. However, Section 701 requires the application to be evaluated against Subtitle X, Chapter 9's standards. This is evaluated below.

C. Conformance with Subtitle X § Chapter9 Special Exception Criteria

§ 901.2 (a): Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

As discussed above, the proposed uses, building massing and dimensions, site plans and other aspects would be in harmony with the Zoning Regulations and maps for the D-5 zone and North Capitol Street Corridor Sub-Area. OP has reviewed the zoning tables provided by the applicant (Exhibit 12A1, Sheets 6a and 6b). The proposals appear to conform to all of the Zoning Regulations' dimensional and numerical requirements.

§ 901.2 (b): Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposal does not appear likely to adversely affect the use of neighboring property in accordance with the zoning regulations. Two of the buildings already exist and their proposed additions are small, increasing the net FAR by approximately 1,100 square feet. The additions would have no negative impact on the use of neighboring property. The hotel use should include additional plaza amenities, an enhanced walkway and – likely – a restaurant could be used by neighboring properties.

While the blank wall of the hotel's eastern façade may diminish the quality of views from office buildings to the east, the wall and its distance from adjacent office buildings are permitted by the regulations. However, OP has encouraged the applicant to provide additional detailing to this wall. There would be a 19-space increase in parking, but access would continue to be from an existing curb cut on North Capitol Street, within the existing garage, and should not affect nearby properties.

§ 901.2 (c) Will meet such special conditions as may be specified in this title.

As noted above, the application meets the special conditions in Subtitle I, § 617.7 (North Capitol Street Corridor Sub-Area of Downtown) Subtitle I, Chapter 7 [(Downtown) Design Review].

V. OTHER DISTRICT AGENCY COMMENTS

There were no District agency comments on file at the time OP completed this report.

However, staff for the Public Space Committee has provided comments to the applicant regarding streetscape standards on North Capitol Street and K Street, grated vaults and access ramps. OP has discussed these comments with the applicant. Discussions will continue as part of the public space review process.

Staff at the Department of the Energy and Environment have also provided comments to OP and has discussed these comments with the applicant. The applicant has responded by providing a LEED checklist and committing to the Phase 2 hotel building being LEED Silver certified. Full

DOEE comments are appended to this report. The applicant has been advised to give additional consideration to these comments, and to incorporate them into the building and site design.

VI. ANC COMMENTS

ANCs 6C and 6E had not submitted comments to the file at the time OP completed this report.

VII. OTHER PUBLIC COMMENTS

At the time OP completed this report, there were no public comments.

Appendix: Site Location

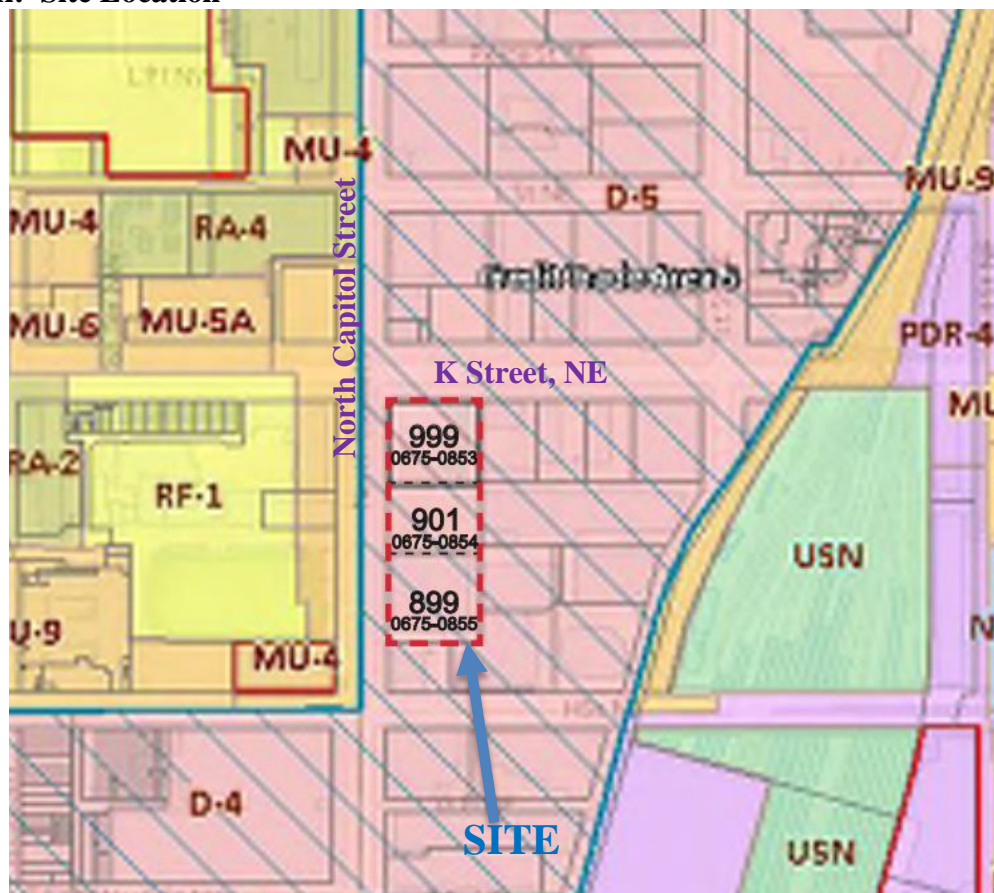


Figure 2. Site Location Map

Appendix: DOEE staff comments to OP and Applicant

DOEE Development Review Comments

ZC 21-09: 899, 901 and 999 North Capitol Street, NE

DOEE acknowledges the project's intent to recertify the existing buildings at the LEED Silver level and to pursue LEED certification for the new construction. DOEE encourages the project to pursue a minimum of LEED Gold on all three buildings. The following recommendations are intended to encourage the project to incorporate design and construction strategies that will yield higher LEED scores and minimize the project's impact on the environment.

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

Building Energy Performance

DOEE commends the project for its proposed energy efficiency retrofits to the existing 899 and 999 North Capitol Buildings. DOEE also notes that both buildings met the District's Building Energy Performance Standard (BEPS) requirements in 2021. DOEE encourages the project to further improve the energy performance of the buildings. Maximizing energy efficiency at the time of construction/renovation will more cost effectively assist in meeting BEPS thresholds in the future.

[Building Energy Performance Standards](#) (BEPS) were established in Title III of the Clean Energy DC Omnibus Act of 2018. The Act states that starting in 2021, owners of buildings over 50,000 square feet that are below a specific energy performance threshold will be required to improve their energy efficiency over the next 5 years. Based on current data, both 899 and 999 North Capitol Street met BEPS in 2021. The buildings were required to achieve an Energy Star score of 71; 899 achieved a score of 72 and 999 achieved a score of 87. The next BEPS will be established in 2027 and again every six years, and it is anticipated that the compliance threshold will increase each subsequent cycle. Therefore, existing buildings are encouraged to proactively improve their energy efficiency in order to remain compliant with BEPS in the future. New projects are encouraged to maximize energy efficiency during the initial design and construction in order to meet BEPS upon completion.

In order to meet the goals of the Sustainable DC 2.0 and Clean Energy DC plans to reduce greenhouse gas emissions, DOEE encourages the project to consider eliminating the onsite combustion of fossil fuels. Incorporating efficient electric systems can reduce indoor air pollution and save on operating costs, especially when coupled with solar energy. All-electric buildings can also save on construction costs by avoiding the need to install gas piping.

Net-Zero Energy

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

[Columbia Energy Conservation Code](#), projects can use Appendix Z as an alternative compliance pathway, which provides a working definition and guidance for NZE. If the team is interested in NZE construction, either on this project or future projects, DOEE can be of assistance. Please reach out to Connor Rattey (DOEE) at connor.rattey@dc.gov for more information.

Solar

Maximizing solar energy production will contribute to achieving the District's goal to increase the use of renewable energy to 100% by 2032. As a result of the requirement for 10% of the District's electricity supply to come from locally generated solar by 2041, there are many financial incentives to install solar. One way that the project can maximize solar energy production is to integrate solar photovoltaic arrays into green roofs. See the GAR and Stormwater Management section below for more details.

If unable to install solar at the time of construction, DOEE encourages the project to plan for solar-ready roofs. By minimizing penetrations and mechanical equipment footprints in prime locations, providing additional conduit where appropriate and including space in the electrical panel, future solar systems can be installed much more cost effectively and with less disruption. DOEE encourages the project to consider providing electric vehicle charging stations, or installing make-ready infrastructure so that charge points can be added at a later date. The [2017 DC Green Construction Code](#) provides some suggested thresholds for the provision of supply equipment and make-ready infrastructure.

Climate Resilience

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

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

Green Area Ratio and Stormwater Management

All new buildings that require a Certificate of Occupancy must meet the appropriate Green Area Ratio (GAR) based on the zoning district and a new addition, interior renovation, or both to an existing building requires a GAR when the construction cost of these improvements exceeds 100% of the assessed value of the improvements of the existing building within any 12-month period. The minimum required Green Area Ratio score for this zone is 0.2 per the DC Zoning Regulations, 11 DCMR Subtitle D–K. They should refer to the [DOEE GAR web page](#) for the latest GAR Guidebook, regulations, and design guidance.

DOEE applauds the potential green roof area on the new hotel and encourages the project to incorporate green roofs on the existing office buildings. DOEE also encourages the project to consider solar energy generation by integrating solar photovoltaic arrays into green roofs. Integrating these systems enables the project team to maximize the benefits of solar energy while also maximizing the Green Area Ratio and stormwater retention volume. DOEE has issued

guidance on how to successfully incorporate solar and green roof on pages 41 & 42 of the [2020 Stormwater Management Guidebook](#).

Major land-disturbing activities must retain the volume from a 1.2-inch storm event, and major substantial improvement activities must retain the volume from a 0.8-inch storm event. Additionally, those portions of regulated activity that involve the reconstruction of the existing public right-of-way (PROW) are governed by a maximum extent practicable (MEP) approach, detailed in Appendix B of the Stormwater Guidebook, “Maximum Extent Practicable Process for Existing Public Right-of-Way.”

DOEE encourages the project to exceed the minimum stormwater retention requirements. Any additional retention onsite can earn the project Stormwater Retention Credits (SRCs) which can be sold through DOEE’s Credit Trading Program. SRCs can be sold directly to DOEE through the SRC Price Lock Program (for projects located in the [MS4 Sewer System](#) only) or sold on the open market. For more information, please visit <https://doee.dc.gov/src> or email Matt Johnson at src.trading@dc.gov.

DOEE is prepared to meet with the project team to discuss stormwater opportunities on the project site. To set up a review meeting with the stormwater team at DOEE please contact Julienne Bautista at julienne.bautista@dc.gov.