

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 21-09
Z.C. Case No. 21-09
US Union Square DC 899 LLC, US Union Square DC 901 LLC, and
US Union Square DC 999 LLC
(Design Review on N. Capitol Street, @ Square 675, Lot 298)
October 14, 2021

Pursuant to notice, at its September 13, 2021 virtual public hearing, the Zoning Commission (the “Commission”) considered the application (the “Application”) of US Union Square DC 899 LLC, US Union Square DC 901 LLC, and US Union Square DC 999 LLC (collectively, the “Applicant”) requesting Design Review approval for new construction (the “Project”) located along North Capitol Street at Lot 298 in Square 675 (the “Property”) in the D-5 Zone District and the North Capitol Street Corridor Sub-Area pursuant to Subtitle I § 617.7 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (the “Zoning Regulations,” to which all section references are made unless otherwise specified). The Project proposes to renovate the existing office buildings and construct ground-level retail expansions of both buildings, and to develop a mixed-use building with lodging and ground-floor retail uses to occupy a portion of the existing plaza on the Property.

The Commission considered the Application for the Project pursuant to Subtitles X and Z. For the reasons below, the Commission hereby **APPROVES** the Application.

FINDINGS OF FACT

PARTIES

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant;
 - Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the Property is located and thus an “affected ANC” per Subtitle Z § 101.8; and
 - ANC 6E, the ANC located across North Capitol Street to the west of the Property, and thus also an “affected ANC” per Subtitle Z § 101.8.

2. The Commission received no requests for party status.

NOTICE

3. Pursuant to Subtitle Z § 301.6, on February 10, 2021, the Applicant mailed a Notice of Intent to file a Design Review application to all property owners within 200 feet of the Property and to ANC 6C and ANC 6E. (Exhibit [“Ex.”] 3D.)

4. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) provided notice of the September 13, 2021 virtual public hearing by:
 - A June 8, 2021 letter with the Notice of Public Hearing sent to: (Ex. 5, 6, 7.)
 - The Applicant;
 - ANC 6C;
 - ANC Single Member District (“SMD”) 6C06;
 - ANC 6E;
 - Office of ANCs;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The District of Columbia Housing Authority (“DCHA”);
 - The Office of the Attorney General;
 - The Department of Consumer and Regulatory Affairs (“DCRA”);
 - The Department of Energy and Environment (“DOEE”);
 - The Ward 6 Councilmember; Chair of the Council; and the At-Large Councilmembers;
 - Owners of property within 200 feet of the Property; and
 - Publication of the Notice of Public Hearing in the Jun 18, 2021 edition of the *D.C. Register*. (Ex. 4, 7.)

5. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on August 3, 2021 and maintained such notice. (Ex. 9, 15.)¹

THE PROPERTY

6. The Property is a rectangular parcel comprised of approximately 137,579 square feet of land area across three Assessment and Taxation lots (Lots 853, 854, and 855) sharing a single record lot (Lot 298). (Ex. 3.)

7. The Property is currently improved with commercial office buildings constructed in the early 1970s: 899 North Capitol Street, N.E. (the “899 North Capitol Building”) at the southern portion of the Property and 999 North Capitol Street, N.E. (the “999 North Capitol Building”) on the northern portion. The middle portion of the Property is currently improved with a sunken open plaza. (Ex. 3.)

8. The Property is located in the NoMa neighborhood of Ward 6 and is bounded:
 - To the west – by North Capitol Street, N.E.;
 - To the north – by K Street, N.E.; and
 - To the east and south – by private property improved with commercial office buildings.(Ex. 3.)

¹ The Applicant requested that the Commission waive the requirements to submit an affidavit of posting and affidavit of maintenance under Subtitle Z §§ 402.8–402.10 of the Zoning Regulations and to provide affirmations of such posting and maintenance in lieu of affidavits due to the lack of remote notarization protocols in the District of Columbia during the period of social distancing measures due to the COVID-19 pandemic. The Commission granted the waiver at the September 13, 2021 hearing.

9. The Property is located two blocks north of Union Station and is directly across North Capitol Street from Gonzaga College High School. (Ex. 3.)

ZONING

10. The Subject Property is located in the D-5 zone and within the North Capitol Street Corridor Sub-Area, which have the following purposes:
- D-5 zone - Intended to permit high-density development of commercial and mixed uses (Subtitle I § 538.1); and
 - North Capitol Street Corridor Sub-Area - Intended to ensure the preservation of the historically important axial view of the Capitol Dome (Subtitle I § 617.1).

II. THE APPLICATION

THE PROJECT

11. The Application proposes a two-phase redevelopment of the Property to:
- For phase I (“Phase I”), renovate the existing office buildings on the Property and construct ground-level expansions to those buildings along North Capitol Street and K Street, which will pull the ground-level building façades forward to the property line and fill-in the “dugout” condition that currently exists with the first floor of both buildings dropping below the street-level grade of the adjacent public space along North Capitol Street and K Street, N.E. Phase I will:
 - Increase the gross floor area (“GFA”) of the 899 North Capitol Building from the existing 314,350 square feet by approximately 1,167 square feet for a resulting total of approximately 315,517 square feet after Phase I is complete; and
 - Increase the GFA of the 999 North Capitol Building from the existing 316,518 square feet by approximately 507 square feet for a total of approximately 317,025 square feet after Phase I is complete;
 - For phase II (“Phase II”), construct a new hotel and ground floor commercial building occupying a portion of the existing open plaza on the Property with an address of 901 North Capitol Street, N.E. (the “901 North Capitol Hotel Building”). The 901 North Capitol Building will:
 - Have a height of approximately 85 feet, within seven stories, plus a 12-foot mechanical penthouse;
 - Include approximately 88,380 square feet of GFA devoted to lodging use and approximately 7,695 square feet of GFA on the first and second floor devoted to commercial use. (Ex. 3, 3F1-3F5.)
12. The Project will increase the existing floor area ratio (“FAR”) of the Property from approximately 4.59 to approximately 5.29 FAR after completion of both phases. (Ex. 3.)
13. The Project will provide approximately 610 below-grade parking spaces for the Property and maintain the existing below-grade five loading berths and three service/delivery spaces. The Project will increase the amount of bicycle parking on site from 72 long-term and 18 short-term spaces to 188 long-term and 22 short-term spaces.

APPLICANT'S SUBMISSIONS

14. In addition to the initial application of May 28, 2021 (Ex. 1-3F, the "Initial Application"), the Applicant made the following submissions to the record in support of the Application:
- An August 12, 2021 Transportation Statement (Ex. 11, the "Transportation Statement") dated July 30, 2021 that concluded that the Project would not have a detrimental impact on the surrounding transportation network assuming that the site design elements and proposed Transportation Demand Management ("TDM") plan were implemented;
 - An August 24, 2021 submission (Ex. 12-12D, the "Pre-Hearing Statement") that included the following plan revisions and information, including those in response to comments from OP, ANC 6C, and ANC 6E:
 - Additional short-term bicycle parking in response to comments received from ANC 6C;
 - Additional public seating in response to comments received from ANC 6C;
 - Enhancements to the Project's green space in response to comments received from ANC 6E;
 - Signage plans for the existing and proposed hotel buildings;
 - Additional information regarding the Project's sustainability features and confirmation that the new 901 North Capitol Hotel Building would be LEED v4 Silver for BD+C: New Construction and Major Renovation, which was increased from the LEED Certified level at the request of OP and District Department of Energy and Environment ("DOEE") staff; and
 - A proposed condition, as requested by ANC 6C, requiring that the ground story of the Project devote at least 50% of the new façade surface area facing North Capitol Street to display windows or pedestrian entrances having clear low-emissivity glass and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten (10) feet in from the building face; and
 - Presentation materials for the September 13, 2021 virtual public hearing (Ex. 17A, 18, the "Hearing Presentation") including:
 - Drawings illustrating the Project's design for both phases, including the façade design and relation to the public realm and adjacent development;
 - A supplemental transportation memorandum outlining the Applicant's agreement with DDOT's requested additional commitments for the Project; and
 - Confirmation that the Applicant had agreed to the conditions of:
 - The OP Report, as defined below;
 - The DDOT Report, as defined below; and
 - The ANC 6C Report and ANC 6E Report, as defined below.

RELIEF REQUESTED

15. The Application requests Design Review approval as required by Subtitle I § 617.7 and Subtitle I, Chapter 7 of the Zoning Regulations for construction of a proposed building and exterior renovation of existing buildings on a property abutting North Capitol Street and located within the North Capitol Street Corridor Sub-Area.

APPLICANT'S JUSTIFICATION FOR DESIGN REVIEW APPROVAL

North Capitol Street Corridor Sub-Area (Subtitle I § 617 Applicable Criteria)

16. The Project complies with Subtitle I § 617.1's objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome as described below. (see Finding of Fact No. 19.)
17. The Project complies with Subtitle I § 617.4's requirement that the zone district use regulations shall govern uses in a building with frontage on North Capitol Street because the proposed office, retail, and hotel uses are permitted by-right in the D-5 zone.
18. The Project complies with the Subtitle I § 617.5's building wall requirements because all the new construction would be on or within four feet of the North Capitol Street property line.

Design Review Criteria (Subtitle I § 701.2)

19. The Project complies with Subtitle I § 701.2(a)(1)'s requirement to achieve the objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome, as set forth in Subtitle I § 617.1. The Project will maintain the current height of the existing 899 North Capitol Building and 999 North Capitol Building, and the new 901 North Capitol Hotel Building will be constructed to a slightly lower height than these buildings — approximately 85 feet compared to 87 feet, eight inches for the 899 North Capitol Building and 91 feet, eight inches for the 999 North Capitol Building. The ground-floor expansions proposed for the existing office buildings will enhance the pedestrian experience along North Capitol Street without infringing on the viewshed crowned by the Capitol Dome to the south.
20. The Project complies with Subtitle I § 701.2(a)(2)'s requirement that the Project be in context with the surrounding neighborhood and street patterns. The Project utilizes high-quality materials that are consistent with, and draw directly upon, the material expression and character of the existing development along North Capitol Street. The brick proposed for the new 901 North Capitol Hotel Building and ground-floor additions of the existing office buildings will maintain and complement the character and context of the existing brick buildings located along the North Capitol Street corridor. The proposed height of approximately 85 feet for the new 901 North Capitol Hotel Building is consistent with (and slightly less than) the height of the existing office buildings on the Property. The new commercial and lodging uses will contribute to the existing diverse mix of uses along North Capitol Street, which includes government and private office buildings, Gonzaga College High School, multifamily residential buildings, and houses of worship.
21. The Project complies with Subtitle I § 701.2(a)(3)'s requirement that the Project minimize conflict between vehicles and pedestrians. The proposed design promotes a safe and efficient pedestrian experience, and represents a substantial improvement upon the existing conditions for pedestrians. The Project will maintain the existing parking and loading access located at the southwest corner of the site off North Capitol Street and at the northeast corner off of K Street, and the Applicant does not propose any new or additional curb cuts. The Project will also elevate the pedestrian experience along the public streets

by bringing ground-floor uses forward to the lot line and eliminating the moat that currently envelops the existing office buildings at the property line. Project will include two plazas on the Property — to the north and south of the new 901 North Capitol Hotel Building — that will continue to accommodate the regular foot traffic that currently occurs on the site and will introduce new spaces for seating, gathering, and recreation within the plazas. The spaces are carefully designed with ample landscaping and exterior lighting features that will make the plazas a warm and welcoming space throughout the day and evening. In addition, the Project will maintain and enhance the east/west pedestrian connection between the 901 North Capitol and 899 North Capitol structures.

22. The Project complies with Subtitle I § 701.2(a)(4)'s requirement that the Project minimize unarticulated blank walls adjacent to public spaces through façade articulation. The Project will utilize high quality materials with a mix of brick tones and patterning, along with black metal trim accents. The ground-floor addition façades, as revised in response to design comments received during the processing of the Application, are based upon the existing buildings' column formation and the traditional forms of the other contextual brick buildings along the nearby portion of North Capitol Street.
23. The Project complies with Subtitle I § 701.2(a)(5)'s requirement that the Project minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards. The existing buildings were previously certified LEED Silver Operations and Maintenance, and the Applicant intends to recertify them accordingly. The Applicant is pursuing at least LEED Silver (v4) certification for BD+C: New Construction and Major Renovation certification for the new 901 North Capitol Street Hotel Building². The Project's "green" features include a commitment to provide rooftop solar and/or green roof or other site landscaping components, sustainable plantings throughout the Project plazas, and a proposed rooftop bee colony that will help support the District's bee population. In addition, the Project will include comprehensive updates to the existing 899 North Capitol Building and 999 North Capitol Building that will result in the buildings being more sustainable than the original 1970s structures. These updates include: a full glazing replacement for both buildings; full LED lighting replacement in the two-level garages for both buildings as well as for exterior lighting; replacement of existing constant volume garage ventilation system with variable ventilation to mitigate energy consumption; refurbished chiller and cooling towers as part of a comprehensive MEP improvement plan; a full building management system upgrade to more efficiently manage building controls for the building's HVAC; and a complete restroom improvement initiative that will reduce water usage by implementing touchless fixtures and automatic toilet flushers and sensor-controlled lighting to minimize excess energy consumption.
24. The Project complies with Subtitle I § 701.2(b)(1)'s requirement that the Project incorporate massing, materials, and buildings and streetscape landscaping to further the

² In its post hearing submission at Ex. 21, the Applicant agreed to pursue LEED (v4) Gold for BD+C: New Construction and Major Renovation for the new 901 North Capitol Street Hotel Building.

design and development of properties in a manner that is sensitive to the establishment of North Capitol Street as a monumental civic boulevard. The proposed ground-floor expansions and new hotel building are designed to enhance and elevate the adjacent segment of the North Capitol Street corridor, building upon the pattern of significant and unique brick buildings on alternating sides of the street and reinvigorating the pedestrian experience adjacent to the Property and within the proposed plazas onsite. This revitalization will create a new neighborhood gathering point and support pedestrian ambulation and enjoyment, as befitting the importance of North Capitol Street as an essential thoroughfare and monumental viewshed in the city.

25. The Project complies with Subtitle I § 701.2(b)(2)'s requirement that the Project 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. The Project utilizes form and materiality to respond to and assimilate with the surrounding neighborhood, utilizing brick in recognition of the existing brick structures located along North Capitol Street. Parking and loading access will be maintained at current locations, with one access along North Capitol Street and one off of K Street. At these locations, the two parking and loading access points will remain deferential to the pedestrian foot traffic along both streets. Pedestrian foot traffic will be enhanced and prioritized in the east/west pathway between the 899 North Capitol and 999 North Capitol buildings. Both the proposed ground-floor office additions and the new hotel building will further emphasize, promote, and prioritize pedestrian activity in the public space abutting the Property and within the Project's two proposed plazas.
26. The Application complies with Subtitle I § 701.2(b)(3)'s requirement that 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. The Initial Application included such view analysis, demonstrating that the Project will enhance the view of the Capitol or other federal monumental buildings, while substantially improving the pedestrian experience along this portion of North Capitol Street. By upgrading the street-level experience adjacent to the Property, the Project will foster greater enjoyment of and appreciation for the North Capitol views. (Ex. 3F at 19-22, A06-A10.)

III. RESPONSES TO THE APPLICATION

OP REPORT

27. OP filed a report on September 3, 2021 (Ex. 13, the "OP Report") that:
 - Recommended approval of the Application, subject to the following conditions:
 - The color of the masonry facing of the additions shall be the same for the 899 North Capitol Building and the 999 North Capitol Building and the color shall be similar to that shown for 899 North Capitol in Exhibit 12A2, plan Page 38;
 - Provide an east-west access for pedestrians on a walkway within the former right-of-way of I Street, N.E. The access shall, at a minimum, be provided between 7:00 a.m.-7:00 p.m. and appropriate signage shall be posted to inform the public of the access and its hours of operation;

- 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 the 899 North Capitol Building and new signage in the area labelled “Location 4” on the 999 North Capitol Building. (Ex. 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 the District’s Construction Code signage regulations; and
- The proposed hotel shall be designed to achieve at least LEED Silver (v4) certification and the Applicant shall seek such certification;
- Requested that, prior to the hearing, the Applicant provide the following additional information:
 - 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; and
- Encouraged the Applicant to consider:
 - Providing solar panels on the 901 North Capitol Street Hotel Building;
 - Designing the 901 North Capitol Street Hotel Building to a LEED Gold standard; and
 - Other sustainability measures noted in the comments from DOEE that were appended the OP Report.

28. At the September 13, 2021 public hearing, OP testified to the substance of the OP Report and stated that the Applicant had provided the information requested.

DDOT REPORT

29. DDOT filed a report on September 3, 2021 (Ex. 14, the “DDOT Report”) that analyzed the Project and the Applicant’s Transportation Statement dated July 30, 2021 (Ex. 11) and concluded that DDOT had no objection to approval of the Project based on the Applicant’s proposed mitigations, including the proposed TDM plan, subject to the following conditions relating to TDM plan enhancements:

- Prior to the issuance of a Certificate of Occupancy associated with either Phase I or Phase II development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street, N.W., subject to DDOT approval;
- Future employees of the 901 North Capitol Street Hotel Building will be permitted and encouraged to use shared shower and locker facilities located in the 899 North Capitol Street Building and 999 North Capitol Street Building; and
- The Applicant will implement a pick-up/drop-off plan in the 999 North Capitol Street Building parking garage for the future 901 North Capitol Street Building hotel operation if curbside signage on North Capitol Street is not approved by DDOT. The

contents of the pick-up/drop-off plan will be further discussed and finalized during public space permitting.

ANC REPORTS

30. ANC 6C submitted a report on September 13, 2021 (Ex. 19, the “ANC 6C Report”) stating that at its regularly scheduled and duly noticed public meeting on July 14, 2021, ANC 6C voted unanimously to support the Application. The ANC 6C Report notes the following issues and concerns:
- The ANC conditioned its support on two changes, which the ANC stated the Applicant had “more than adequately addressed” in the Pre-Hearing Statement, as follows:
 - A commitment by the Applicant to guaranteed depth of view for the ground floors, to which the Applicant agreed and proposed condition language included in Finding of Fact No. 14 above and Ex. 12; and
 - Additional public bicycle racks and other public realm features, such as seating, which the Applicant had incorporated in response to the ANC’s request, and are included in Ex. 12-12D; and
 - The ANC noted that it suggested further study of the roofline and materials for the ground-floor addition to the 999 North Capitol Street Building due to concern that such addition too closely resembled contemporary, widespread, and inexpensive purpose-built retail architecture. The ANC emphasized that its support for the Project was not conditioned on any specific changes to this aspect of the proposal.
31. ANC 6E submitted a report on September 9, 2021 (Ex. 16, the “ANC 6E Report”) stating that at its regularly scheduled and duly noticed public meeting on July 6, 2021, ANC 6E voted unanimously to support the Application. The ANC 6E Report notes the following issues and concerns:
- The ANC was overall very pleased with the Project and the prospect of a more active streetscape at the Property;
 - The ANC was concerned that the massing on the 999 North Capitol Building addition was darker than that of the 899 North Capitol Street Building addition; and
 - While the ANC stated that Applicant did a good job incorporating green space as part of the Project, the ANC preferred that more green space be considered to enhance the pedestrian experience.

OTHER RESPONSES

32. No letters in support or opposition were submitted to the case record.

PUBLIC HEARING

33. At the September 13, 2021 virtual public hearing, the Applicant presented the Project, including testimony from the following representatives and expert witnesses:
- Sam Hollman, on behalf of the Applicant;
 - Richard J. Conrath of GTM Architects, the Phase I architect;
 - Brandon Robinson of Hord Coplan Macht, the Phase II architect;
 - Dan Avrit of Parker Rodriguez, the Project’s landscape architect; and

- Daniel Solomon of Gorove Slade, the transportation consultant for the Project.
34. The Applicant also provided responses to ANC 6C's issues and concerns. In response to the ANC, the Applicant agreed to:
- Propose the above-noted condition requiring display windows with clear low-emissivity glass for at least 50% of the new façade surface area facing North Capitol Street (see Finding of Fact No. 14 and Ex. 12);
 - Study the ground-floor addition to the 999 North Capitol Street Building and its roofline and materials, which the Applicant had done;
 - Incorporate additional short-term bicycle parking and other public realm features, including additional public seating, which the Applicant had done (see Ex. 12-12D); and
 - Commit to proposing the same or substantially similar materials as those shown to ANC 6C's Planning, Zoning and Economic Development Committee;
35. The Applicant's testimony also included responses to ANC 6E's issues and concerns as follows:
- The Applicant agreed to study the darkness of the addition to the 999 North Capitol Street Building; and
 - The Applicant agreed to incorporate more green space.
36. The Applicant's testimony also included responses to OP's comments, in which the Applicant agreed to the following conditions:
- The color of the masonry facing of the additions shall be the same for the 899 North Capitol Building and the 999 North Capitol Building and the color shall be similar to that shown for 899 North Capitol in Exhibit 12A2, plan Page 38;
 - Provide an east-west access for pedestrians on a walkway within the former right-of-way of I Street, N.E. The access shall, at a minimum, be provided between 7:00 a.m.-7:00 p.m. and appropriate signage shall be posted to inform the public of the access and its hours of operation;
 - 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 the 899 North Capitol Building and new signage in the area labelled "Location 4" on the 999 North Capitol Building (Ex. 12A2, 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 the District's Construction Code signage regulations;
 - The proposed hotel shall be designed to achieve at least LEED Silver (v4) certification and the Applicant shall seek such certification; and
 - The Applicant noted information provided to OP in response to OP's request, specifically:
 - An elevation showing the entire Project from North Capitol Street;
 - Roof plans showing the proposed green roof areas;

- A three-dimensional illustration showing the eastern elevation of the 901 North Capitol Street Hotel Building; and
 - Information regarding pick-up and drop-off for the 901 North Capitol Street Building hotel operation.
37. The Applicant's testimony responded to DDOT's comments relating to the incorporation of DDOT's proposed additional conditions, as also described in the Applicant's Supplemental Transportation Memo (at Ex. 18), which provides a revised TDM Plan including the following additional conditions proposed in DDOT's Report:
- Installation of an ADA curb ramp on the west side of North Capitol Street;
 - Providing access to shower and locker facilities at the 899 and 999 North Capitol Street Buildings for the employees of the 901 North Capitol Street Hotel Building; and
 - Implementation of a pick-up/drop-off plan for the 901 North Capitol Street Building hotel operation.
38. At the public hearing, the Applicant also committed to provide a minimum of 4,000 square feet of solar panel array or green area. (Ex. 17A2 at A16.)
39. No other parties, persons, or organizations testified at the public hearing.

POST-HEARING SUBMISSION

40. Following the public hearing, the Applicant filed a September 30, 2021 submission (Ex. 21-21C, the "Post-Hearing Statement") that included:
- A proposed revised design for the addition to the 999 North Capitol Street Building in response to the Zoning Commission's request for an alternative design for the addition;
 - Supplemental information regarding the Project's green building features and the Applicant's commitment to LEED (v4) Gold for BD+C: New Construction and Major Renovation for the new 901 North Capitol Street Hotel Building;
 - A request for flexibility relating to the roof plan to facilitate the commitment to provide 4,000 square feet of solar panel array or green area, including flexibility on the location and size of the roof structure, on 901 North Capitol, provided that no relief from roof structure design regulations is required unless it is subsequently approved by the Zoning Commission; and
 - Draft Findings of Fact and Conclusions of Law.

CONCLUSIONS OF LAW

AUTHORITY

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may approve a Design Review application consistent with the requirements of Subtitle I §§ 617 and 701.2.
2. Subtitle I § 617.7 requires that the Project, due to the Project's frontage on North Capitol Street, N.E., obtain design review approval from the Commission, subject to the specific design review criteria of Subtitle I § 701.2.

Subtitle I Design Review Criteria (Subtitle I § 701.2)

3. Based on the case record, including the Applicant and OP and DDOT Reports, and the Findings of Fact above, the Commission concludes that the Applicant satisfies the applicable standards for the North Capitol Street Corridor Sub-Area of Subtitle I § 617 and the applicable Design Review requirements of Subtitle I § 701.2, as detailed below:
4. ***Pursuant to Subtitle I § 617.1*** - The Project complies with the objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome as described below in the explanation for Subtitle I § 701.2(a)(1).
5. ***Pursuant to Subtitle I § 617.4*** - The Project complies with the requirement that the zone district use regulations shall govern uses in a building with frontage on North Capitol Street because the proposed office, retail, and hotel uses are permitted by-right in the D-5 zone.
6. ***Pursuant to Subtitle I § 617.5*** - The Project complies with building wall requirements because all the new construction would be on or within four-feet (4 ft.) of the North Capitol Street property line.
7. ***Pursuant to Subtitle I § 701.2(a)(1)*** - *The Project will achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6, in which it is located.* - The Project will achieve the objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome, as set forth in Subtitle I § 617.1. The Project will maintain the current height of the existing 899 North Capitol Building and 999 North Capitol Building, and the new 901 North Capitol Hotel Building will be constructed to a slightly lower height than these buildings. The ground-floor expansions proposed for the existing office buildings will enhance the pedestrian experience along North Capitol Street without infringing on the viewshed crowned by the Capitol Dome to the south.
8. ***Pursuant to Subtitle I § 701.2(a)(2)*** - *The Project will be in context with the surrounding neighborhood and street patterns* - The Project will utilize high-quality materials that are consistent with, and draw directly from, the material expression and character of the existing development along North Capitol Street. The proposed height the new 901 North Capitol Hotel Building is consistent with (and slightly less than) the height of the existing office buildings on the Property. The new commercial and lodging uses will contribute to the existing diverse mix of uses along North Capitol Street, which includes government and private office buildings, Gonzaga College High School, multifamily residential buildings, and houses of worship.
9. ***Pursuant to Subtitle I § 701.2(a)(3)*** - *The Project will minimize conflict between vehicles and pedestrians.* - The proposed design promotes a safe and efficient pedestrian experience, and represents a substantial improvement upon the existing conditions for pedestrians. The Project will maintain the existing parking and loading access located at

the southwest corner of the site off North Capitol Street and at the northeast corner off of K Street, and the Applicant does not propose any new or additional curb cuts.

10. ***Pursuant to Subtitle I § 701.2(a)(4) - The proposed building will minimize unarticulated blank walls adjacent to public spaces through façade articulation.*** - The Project will utilize high quality materials with a careful mix of brick tones and detailing, along with black metal trim accents. The ground-floor addition façades, are based upon the existing buildings' column formation and the traditional forms of the other contextual brick buildings along the nearby portion of North Capitol Street.
11. ***Pursuant to Subtitle I § 701.2(a)(5) - The proposed building will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.***- The existing buildings were previously certified LEED Silver Operations and Maintenance, and the Applicant intends to recertify them accordingly. The Applicant is pursuing LEED (v4) Gold for BD+C: New Construction and Major Renovation certification for the new 901 North Capitol Street Hotel Building. The Project's "green" features include a commitment to provide rooftop solar and/or green roof and other site landscaping, sustainable plantings throughout the Project plazas and a proposed rooftop bee colony that will help support the District's bee population, as well as comprehensive updates to the existing 899 North Capitol Building and 999 North Capitol Building that will result in the buildings being more sustainable than the original 1970s structures.
12. ***Pursuant to Subtitle I § 701.2(b)(1) - 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 North Capitol Street as a monumental civic boulevard.*** - The proposed ground-floor additions and new hotel building are designed to enhance and elevate this portion of the North Capitol Street corridor, building upon the pattern of significant and unique brick buildings on alternating sides of the street and reinvigorating the pedestrian experience adjacent to the Property and within the proposed plazas onsite.
13. ***Pursuant to Subtitle I § 701.2(b)(2) - 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*** - The Project utilizes form and materiality to respond to and assimilate with the neighborhood surrounding the development, relying on a brick expression in recognition of the existing unique brick structures punctuating North Capitol Street. Parking and loading access will be maintained at their current locations and will remain deferential to the pedestrian foot traffic along both streets. Both the proposed ground-floor office additions and the new hotel building will further emphasize, promote, and prioritize pedestrian activity in the public space abutting the Property and within the Project's two proposed plazas and east/west pedestrian connection.

14. ***Pursuant to Subtitle I § 701.2(b)(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.* - The Initial Application included such view analysis, as noted in Finding of Fact No. 26, demonstrating that the Project will enhance the view of the Capitol or other federal monumental buildings and substantially improve the pedestrian experience along this portion of North Capitol Street. (see Ex. 3F1 at 19-22; Ex. 3F4 at A09-A10.)

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

15. The Commission must give great weight to the recommendation of OP, pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code §6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086–87 (D.C. 2016).)
16. The Commission finds persuasive OP’s evaluation of the Applicant as having satisfied the applicable design review requirements and having satisfactorily addressed OP’s concerns and conditions with OP’s recommendation to approve the Application.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANCS

17. The Commission must give “great weight” to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2). To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086–87 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
18. The Commission finds the ANC 6C Report and ANC 6E Report issues and concerns persuasive and notes that the Applicant has agreed to all of the conditions proposed by ANC 6C in its report.

DECISION

Based on the case record, the testimony at the public hearing, and the above Findings of Fact and Conclusions of Law, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant’s request for Design Review approval pursuant to Subtitle I §§ 617.7 and 702.1, subject to the following conditions, standards, and flexibility:

A. PROJECT DEVELOPMENT

1. The Project shall be built in accordance with the plans and elevations dated September 13, 2021, and marked as Exhibits 17A1-17A5 and supplemented by Exhibits 21A1-21A2 of the record (the “Final Plans”), and with the following design flexibility relating to the Final Plans:
 - a. Interior Components: To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not materially change the exterior configuration or appearance of the building as shown on the plans approved by the Order;
 - b. Exterior Materials – Color: To vary the final selection of the colors of exterior materials based on availability at the time of construction without reducing the quality of the materials, provided such colors are within the color ranges shown on the plans approved by the Order;
 - c. Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the Order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
 - d. Parking Layout – To make refinements to the approved vehicular and bicycle parking configuration, including layout and number of parking spaces plus or minus 10%, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;
 - e. Streetscape Design – To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, or as approved by, the DDOT Public Space Division;
 - f. Signage – To vary the final design of the signage for the Project, subject to full compliance with applicable signage restrictions under the D.C. Building Code and consistent with the indicated dimensions shown on Pages 32–33 and A17, Ex. 17A2, of the Final Plans approved by the Order;
 - g. Green Roof and Solar Panel Area – To vary the location of the green roof and/or solar panel installation/array area to be located anywhere on the Property, provided that no less than 4,000 square feet of such area is provided; and
 - h. 901 North Capitol Roof – To vary the final design of the roof plan, including the location and size of the roof structure, for 901 North Capitol Street, provided that no relief from roof structure design regulations is required unless it is subsequently approved by the Zoning Commission.
2. The color of the masonry facing of the additions shall be the same for the 899 North Capitol Building and the 999 North Capitol Building and the color shall be similar to that shown for 899 North Capitol in Exhibit 12A2, plan Page 38.
3. 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 the 899 North Capitol Building and new signage in the area labelled “Location 4” on the 999 North Capitol Building. (Ex. 12A2, 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 the east-facing walls shall be as permitted by the District's Construction Code signage regulations

B. REQUIREMENTS – CERTIFICATE OF OCCUPANCY

1. **Prior to the issuance of the first permanent certificate of occupancy for the Phase II building (901 North Capitol Street, N.E.)**, the Applicant shall provide the Zoning Administrator with evidence that the Phase II building is designed to obtain LEED Gold: BD+C: New Construction and Major Renovation certification or higher from the U.S. Green Building Council under the LEED v.4 rating system.
2. **Within 12 months after the issuance of the first permanent certificate of occupancy for the Phase II building (901 North Capitol Street, N.E.)**, the Applicant shall submit evidence to the Zoning Administrator that it has secured such LEED Gold: BD+C: New Construction and Major Renovation certification.
3. **Prior to the issuance of the first permanent certificate of occupancy for the Phase II building (901 North Capitol Street, N.E.)**, the Applicant shall provide the Zoning Administrator with evidence that the Project provides an east-west access for pedestrians on a walkway within the former right-of-way of I Street, N.E. The access shall, at a minimum, be provided between 7:00 a.m.-7:00 p.m. and appropriate signage shall be posted to inform the public of the access and its hours of operation;
4. **Prior to issuance of the first permanent certificate of occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first**, the Applicant shall provide the Zoning Administrator with evidence that it has funded and constructed the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval.

C. REQUIREMENTS – LIFE OF THE PROJECT (unless otherwise noted)

Transportation Demand Management Measures

1. **For the life of the Project**, the Applicant shall adhere to the following TDM plan measures:
 - a. **899 North Capitol Street Building TDM Plan**:
 - i. Unbundle the cost of vehicle parking from the cost to lease an office and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
 - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement;
 - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants must survey their employees and report back to the Transportation Coordinator;

- iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the property's website and in any internal building newsletters or communications;
- v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
- vi. Will notify goDCgo each time a new office tenant moves in and provide TDM information to each tenant as they move in.
- vii. Will provide links to CommuterConnections.com and goDCgo.com on property websites;
- viii. Transportation Coordinator will implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
- ix. Distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency;
- x. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in at least one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
- xi. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
- xii. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Eight (8) short-term and 88 long-term spaces will be provided directly adjacent to or within 899 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
- xiii. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
- xiv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;

- xv. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval; and
 - xvi. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings
- b. 901 North Capitol Street Hotel Building Lodging Use TDM Plan:
- i. Unbundle the cost of parking from the cost to lease the building and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
 - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. There will be a Transportation Coordinator for each tenant and the entire site;
 - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
 - iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
 - v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
 - vi. Front office and customer-facing staff will be provided training by goDCgo (either in-person or webinar) to learn of the non-automotive options for traveling to the property;
 - vii. Provide guests with goDCgo's Get around Guide by making it available on the property website and in printed format for front office or customer-facing staff;
 - viii. Transportation Coordinator will subscribe to goDCgo's hospitality newsletter;
 - ix. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Thirty-five long-term spaces will be provided within 901 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
 - x. Will post "getting here" information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in Residential Permit Parking (RPP) zones;
 - xi. Provide comprehensive transportation information and directions on hotel website, including promoting the use of nonautomotive modes of transportation

- and links to website for goDCgo, Capital Bikeshare, DC Circulator, and the Washington Metropolitan Area Transit Authority (WMATA);
- xii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
 - xiii. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
 - xiv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
 - xv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
 - xvi. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval;
 - xvii. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and
 - xviii. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.
- c. 901 North Capitol Street Hotel Building Retail Use TDM Plan:
- i. Unbundle the cost of parking from the cost to lease the building or unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
 - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. There will be a Transportation Coordinator for each tenant and the entire site;

- iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
- iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
- v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
- vi. Will post "getting here" information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in Residential Permit Parking (RPP) zones;
- vii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
- viii. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
- ix. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Thirty-five long-term spaces will be provided within 901 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
- x. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
- xi. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
- xii. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street

on the northern side of the intersection with I Street N.W., subject to DDOT approval;

- xiii. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and
 - xix. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.
- d. 999 North Capitol Street Building Office Use TDM Plan:
- i. Unbundle the cost of parking from the cost to lease an office unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
 - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement;
 - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants must survey their employees and report back to the Transportation Coordinator;
 - iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
 - v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
 - vi. Will notify goDCgo each time a new office tenant moves in and provide TDM information to each tenant as they move in;
 - vii. Will provide links to CommuterConnections.com and goDCgo.com on property websites;
 - viii. Transportation Coordinator will implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
 - ix. Distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency;
 - x. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and

participate in at least one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;

- xi. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
 - xii. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Eight short-term and 88 long-term spaces will be provided directly adjacent to or within 899 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
 - xiii. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
 - xiv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
 - xv. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval;
 - xvi. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and
 - xvii. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.
- e. 999 North Capitol Street Building Retail Use TDM Plan
- i. Unbundle the cost of parking from the cost to lease the building or unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
 - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as

- points of contact with DDOT, goDCgo, and Zoning Enforcement. There will be a Transportation Coordinator for each tenant and the entire site;
- iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
 - iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
 - v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
 - vi. Will post "getting here" information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in Residential Permit Parking (RPP) zones;
 - vii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
 - viii. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
 - ix. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Thirty-five long-term spaces will be provided within 901 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
 - x. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
 - xi. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
 - xii. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and

construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval;

- xiii. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and
- xiv. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.

D. ANC Condition


- 1. The ground levels of the Project shall devote at least 50% of the new façade surface area facing North Capitol Street to display windows or pedestrian entrances having clear low-emissivity glass and ensure that the view through the display windows and pedestrian entrances is not blocked for at least 10 feet in from the building face.

E. VALIDITY

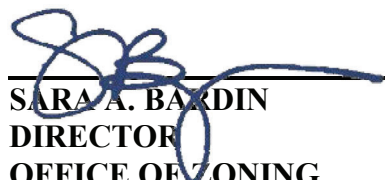
- 1. This Application approval for Phase I of the Project shall be valid for a period of two years from the effective date of this Order, and approval for Phase II shall be valid for a period of seven years from the effective date of this Order. Within such time, an application for building permit for each respective phase must be filed as specified in 11-Z DCMR § 702.2. Construction must begin on Phase I within three years after the effective date of this Order, and construction on Phase II must begin within eight years after the effective date of this Order. (11-Z DCMR § 702.3.)

VOTE (October 14, 2021): 3-0-2 (Peter A. Shapiro, Robert E. Miller, and Anthony J. Hood to **APPROVE**; Peter G. May not voting having not participated in the hearing, Architect of the Capitol; representative not present; not voting)

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 11, 2022.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.