

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 17-25**  
**Z.C. Case No. 17-25**  
**23 I, LLC**  
**(Design Review @ Square 697N, Lots 804 and 7000)**  
**February 5, 2018**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on February 5, 2018, to consider an application filed by 23 I, LLC (“Applicant”) for review and approval of an application for design review under the M and South Capitol Streets Sub-area requirements of Subtitle I § 616 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR” or “Zoning Regulations”) and the design review standards of 11-I DCMR Chapter 7. The public hearing was conducted in accordance with the provisions of 11-Z DCMR § 408. For the reasons stated below, the Commission hereby approves the application.

**FINDINGS OF FACT**

1. On December 1, 2017, the Applicant filed an application for review and approval of the second phase of a two-phase mixed-use project pursuant to the M and South Capitol Streets Sub-area requirements of 11-I DCMR § 616, and the design review standards of 11-I DCMR, Chapter 7 (“Application”), for property located at 950 South Capitol Street, S.E. (Square 697N, Lots 804 and 7000) (“Subject Property”). The Subject Property is zoned D-5 and has frontage on the east side of the designated tertiary street segment of South Capitol Street north of M Street, and is therefore within the M and South Capitol Streets Sub-area pursuant to 11-I DCMR §§ 616.2 and 616.3.
2. On January 16, 2018, the Applicant filed a prehearing submission in support of the Application. (Exhibit [“Ex.”] 16.) The prehearing submission included updated renderings that supplemented the renderings submitted with the application, a list of requested design flexibility for the project, a Comprehensive Transportation Review (“CTR”) report prepared by Gorove/Slade Associates, additional expert witnesses’ resumes, and an update on the Applicant’s engagement with the community.
3. On February 5, 2018, the Commission held a public hearing on the Application, which was concluded that same evening. Parties to the case included the Applicant and Advisory Neighborhood Commission (“ANC”) 6D, the ANC within which the Subject Property is located. Proper notice of the hearing was provided pursuant to 11-Z DCMR § 402.

4. The only witness testifying at the hearing on behalf of the Applicant was Jordan Sasson of The Related Companies. As a preliminary matter, the Commission recognized that it had previously qualified Morris Adjmi and Eric Colbert as experts in architecture, Rick Parisi as an expert in landscape architecture, and Dan VanPelt as an expert in transportation planning, but none of those witnesses testified at the hearing.
5. At the conclusion of the public hearing, the Commission took final action to approve the Application, and determined that the project satisfies all applicable requirements of the M and South Capitol Streets Sub-area and the design review standards of 11-I DCMR Chapter 7.

### **Project Overview**

6. The Subject Property is located on the west side of Record Lot 75 in Square 697N, which is bounded by I Street, S.E. to the north, Half Street, S.E. to the east, K Street, S.E. to the south, and South Capitol Street, S.E. to the west. Record Lot 75 is located in the D-5 zone and contains approximately 82,563 square feet of land area. Lot 804 contains approximately 29,375 square feet of land area, and Lot 7000 is an air rights lot. The Subject Property is presently unimproved.
7. The eastern part of Record Lot 75 is comprised of Lots 2001, 2002, and 2003 (“East Property”), which are the only other lots on Record Lot 75. The East Property is improved with a mixed-use building containing 383 residential units, approximately 22,000 square feet of ground-floor retail use, and three levels of below-grade parking (“East Building”). The East Building was constructed between 2015 and 2017, as the first phase of the two-phase project on Record Lot 75.
8. Development of the Subject Property is the second and final phase of development (hereinafter referred to as the “West Building”). The East Building and the West Building will be physically connected to each other to constitute a single building for zoning purposes in compliance with 11-B DCMR § 309.1, and will also be connected below grade in the parking garage. The East and West Buildings will be separated by a two-way private drive running north-south between K and I Streets (“Private Drive”), with the building connection constructed over the Private Drive. The Private Drive and its associated curb cuts were approved and installed during construction of the East Building.
9. The West Building will be developed as a residential project with approximately 296,972 square feet of gross floor area and density of 10.11 floor area ratio (“FAR”),<sup>1</sup> and a maximum building height of 130 feet as measured from Half Street, S.E. The ground floor will contain active residential amenity space. Approximately 300 residential units (plus or minus 10%) will be located on the floors above. Two penthouses will be located on the West Building, one containing residential amenity space and one containing

---

<sup>1</sup> The total gross floor area for the overall building (the East Building and West Building combined) on the single record lot will be 708,801 square feet and density of 8.58 FAR.

mechanical equipment. Both penthouses will be 20 feet in height and will be setback from all street frontages in full compliance with 11-C DCMR, Chapter 15. No setback is required from the closed court in the center of the building.

10. Vehicular access to parking and loading for the West Building is provided via the Private Drive, and all other existing curb cuts surrounding the Subject Property will be closed. Approximately 191 parking spaces (plus or minus 15%) will be located in a below-grade garage connected to the East Building's existing garage and accessed via the existing ramp in the East Building. One loading berth and one service/delivery space will be located on the ground floor of the West Building.<sup>2</sup> The primary pedestrian entrance to the West Building will be located on K Street, with secondary entrances on South Capitol Street and I Street.
11. Retail use is not proposed for the ground floor of the West Building. However, in response to comments from ANC 6D and the Office of Planning ("OP"), the Applicant designed the ground-floor residential amenity space to be convertible to retail use in the future should the Applicant determine that the market demand along South Capitol Street has changed. In order to permit successful retail use in that location, the Commission approved the signage plan to accommodate future signage, and the ground-floor plan to permit reconfigured service corridors to provide direct interior access to all retail spaces. (Ex. 22A, Sheets 351A, A104A.)
12. Once fully developed, the West Building will rise as a C-shaped structure, creating a closed court between the West Building and the backward C-shaped East Building. A landscaped amenity courtyard on axis with the K Street lobby will provide a direct visual connection with the lobby entrance. The courtyard will include garden rooms connected to an interior amenity space to provide an extension of the interior room.
13. Upon completion of the West Building, the Applicant will plant two linear planting strips along South Capitol Street, with an allee of trees and an understory planted with colorful groundcovers, grasses, and shrubs to provide year-round interest. This shaded pedestrian pathway will provide a human sense of scale with a green buffer while enhancing the view of the Capitol. The South Capitol Street streetscape plan approved by the Commission is included at of the record. (Ex. 22A, Sheets L500A, L502A, L300A.) The Commission also granted flexibility with respect to the allee of trees to permit the Applicant to install an additional tree pit located within the property line on South Capitol Street to enable compliance with DDOT's South Capitol redevelopment plan in the future. The future condition of the streetscape plan is also subject to change based on DDOT's final design for South Capitol Street. (Ex. 22A, Sheet L501A.)
14. Similar to the approved streetscape plan for Half Street on the east side of the East Building, I and K Streets will be planted with Willow Oak trees in low-impact development tree pits, also planted with grasses and evergreens. A continuous band of

---

<sup>2</sup> The East Building contains 336 below-grade parking spaces and separate loading facilities (three loading berths and one service/delivery space).

cobblestones will define the buffer zone from the pedestrian walkway matching the East Building's streetscape.

15. On all three street frontages (South Capitol, I, and K Streets), the West Building's façade is articulated at every other floor with a metal horizontal slab cover displaying the profile of a flanged beam. These continuous horizontal elements define a series of smaller two-story elements within the 13-story building, and the articulation is further emphasized as each two-story-volume is set at an alternating depth off of the property line, creating a more dynamic building massing. The deeper-set portions of the façade are clad with a slightly darker metal to enhance the distinction of volumes. The different volumes create a related but distinct character compared to the East Building. A secondary verticality is created by a rhythm of flanged pilasters made of stone and metal that punctuate each floor of the building. Window bays, including operable vents, are set between the flanged pilasters. At the ground floor, the pilasters are expressed in stone to enrich the pedestrian experience. The West Building façade on South Capitol Street sets back at the 12<sup>th</sup> floor and again at the 13<sup>th</sup> floor, providing ample residential terraces facing the South Capitol corridor. The Commission finds that the building façade incorporates extensive articulation and complies with all setback requirements along the South Capitol Street frontage.
16. The West Building will be designed to achieve LEED-Silver v.4 certification, generally consistent with the LEED Scorecard included in the record at Ex. 22A, Sheet A106A. Areas of the penthouse will be constructed to enable possible renewable energy production in the future.
17. The Applicant provided the building materials, a copy of which is in the record. (Ex. 22A, Sheet A601; Ex. 23.)

#### **Compliance with the M and South Capitol Streets Sub-Area Requirements**

18. Pursuant to 11-I DCMR § 616.2, the M and South Capitol Streets Sub-area includes D-5 zoned property with frontage on either side of the designated tertiary street segments of the South Capitol Street corridor north of M Street. The Subject Property is included in this designated area. (*See* Figure I § 615 and Table I § 616.3.) Properties located within the M and South Capitol Streets Sub-area are required to comply with the street-wall requirements of 11-I DCMR § 616.7. In this case only 11-I DCMR §§ 616.7(d), (e), and (f) are applicable.
19. The Commission finds that the project complies with 11-I DCMR §§ 616.7(d), (e), and (f) because (i) the West Building provides 1:1 building setbacks along South Capitol Street beginning at 110 feet; (ii) there are no openings in the West Building adjacent to South Capitol Street that provide entrances or exits for parking or loading, and all parking and loading will be accessed from the Private Drive in the center of the square; and (iii) a minimum of 75% of the West Building's street-wall is constructed on the setback line. Therefore, the Commission concludes that the proposed project is fully consistent with the M and South Capitol Streets Sub-area requirements of 11-I DCMR §§ 616.

### **Compliance with the Design Review Standards for D Zones**

20. Pursuant to 11-I DCMR § 701.1, all new buildings or structures that have frontage on a designated street segment within the M and South Capitol Streets Sub-area are subject to the additional design review requirements of 11-I DCMR, Chapter 7. The Subject Property has frontage on South Capitol Street, S.E., which is a designated street segment within the M and South Capitol Streets Sub-area, and is therefore subject to Chapter 7 design review. (See 11-I DCMR §§ 616.2 and 616.3.)
21. The Commission finds that the project complies with the design review standards of 11-I DCMR, Chapter 7 for the following reasons:
  - a. The West Building complies with the objectives of the M and South Capitol Streets Sub-area. The building design preserves the important axial view of the Capitol Dome while further developing South Capitol Street as a high-density mixed-use corridor. The West Building will contain new residential uses in a vibrant new building with public frontages on three streets, including South Capitol Street. Moreover, the West Building complies with all street-wall setback requirements set forth in 11-I DCMR § 616.7; (11-I DCMR § 701.2(a)(1).)
  - b. The West Building is contextual to the surrounding neighborhood and street patterns, offering distinct façade designs at each elevation. Active ground-floor amenity uses wrap the building, and all parking and loading is taken from the Private Drive to minimize impacts on existing street patterns and surrounding uses. This proposed configuration will maximize active street frontage along South Capitol Street and improve the public realm; (11-I DCMR § 701.2(a)(2).)
  - c. Vehicular and pedestrian conflicts will be minimized because all parking and loading access to the East and West Buildings will be accommodated from K and I Streets via the Private Drive, rather than from separate curb cuts along the public streets. This configuration provides the maximum amount of uninterrupted sidewalks, landscaping, and public spaces, and will ensure the greatest amount of pedestrian safety; (11-I DCMR § 701.2(a)(3).)
  - d. The West Building offers extensive façade articulation across all street-facing elevations. The ground floor includes active uses with clear inviting windows and extensive architectural expression, such that blank facades adjacent to public spaces have been minimized; (11-I DCMR § 701.2(a)(4).)
  - e. The West Building will achieve LEED-Silver v.4 certification, generally consistent with the LEED Scorecard included in the record at Ex. 22A, Sheet A106A; (11-I DCMR § 701.2(a)(5).)
  - f. The West Building's design reflects the vision of the monumental character of South Capitol Street. The building incorporates massing and materials in a manner that helps to advance South Capitol Street as a monumental civic

boulevard. The West Building extends the existing development patterns along South Capitol Street to maintain the surrounding scale of development and create consistency along the corridor. The West Building also provides landscaping and public space improvements that enhance the pedestrian experience and aesthetic quality of South Capitol Street as an important urban boulevard; (11-I DCMR § 701.2(b)(1).)

- g. All parking and loading for the West Building is accessed through the Private Drive, which minimizes impact on the surrounding residential neighborhood and best recognizes the Subject Property's location within its existing context; (11-I DCMR § 701.2(b)(2).)
- h. Due to the building setbacks, the West Building maintains an open view around the Subject Property. The West Building does not obstruct any views or vistas of the Capitol Dome and maintains a clear, unobstructed view towards federal monumental buildings and historic views; and (11-I DCMR § 701.2(b)(3).)
- i. The Commission notes that no additional requests for special exception or variance relief were requested as part of this application. (11-I DCMR § 701.3.)

#### **Compliance with the Special Exception Standards**

- 22. The Commission finds that the application meets the criteria for special exception relief pursuant to 11-X DCMR § 901.2, that the project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.
- 23. The Commission finds that the West Building will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The West Building meets all dimensional and use requirements and restrictions for a site within the M and South Capitol Streets Sub-area of the Zoning Regulations, and also meets all development and use standards for the D-5 zone.
- 24. The Commission finds that the West Building will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The neighboring properties are generally 110-feet to 130-feet tall, high-density residential or office buildings. The residential (and potentially future retail) use(s) proposed for the West Building will not be inconsistent with these uses. Moreover, the Applicant has agreed to Transportation Demand Management ("TDM") measures that are adequate to ensure that the West Building will not adversely affect the transportation network.

#### **Design Flexibility**

- 25. The Applicant requested the following flexibility with the design of the project:

- a. To provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the architectural drawings;
- b. To provide a range in the number of parking spaces of plus or minus 15%;
- c. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building;
- d. To replace the proposed ground-floor residential amenity space with retail space if retail demand along South Capitol Street increases in the future, so long as doing so does not materially impact the ground-floor façade design other than in compliance with the flexibility requested herein;
- e. To vary the location and design of the ground-floor components to comply with any of the applicable District of Columbia laws and regulations, and to vary the location and increase the number of ground floor entrances and show windows;
- f. To vary the final selection of the exterior materials within the color ranges proposed (maintaining or exceeding the same general level of quality), based on availability at the time of construction, and to make refinements to the exterior details and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or other applicable approvals;
- g. To vary the sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below LEED Silver v.4;
- h. Flexibility to install additional tree(s) in tree pit(s) located within the property line along South Capitol Street; and
- i. Flexibility on the exact design and size of the artwork located within the Private Drive.

### **Office of Planning Report**

- 26. On January 26, 2018, OP submitted a report recommending approval of the application. (Ex. 20.) The recommendation was subject to the following conditions: (i) clarify whether the Applicant will install the artwork as submitted in the record (Ex. 5A3, Sheet A502); (ii) clarify the color range, lighting, and size range of the signage and confirm whether signage will not be higher than the top of the building's first story; (iii) submit potential design refinements to the ground floor to include discrete color highlights, particularly on I and K Streets; (iv) clarify the overall LEED level and whether there is a commitment to achieve LEED certification; (v) clarify whether the ground level of the

tree boxes along South Capitol Street will be at the same elevation as the west adjacent public sidewalk; (vi) submit modified plans showing construction of sub-surface tree boxes within the South Capitol Street property line to enable the planting of additional tree(s) in the future; and (vii) resolve other public space concerns that may be raised by DDOT.

27. The Commission finds that the Applicant adequately responded to and submitted materials that address each of OP's comments. With respect to the artwork, the Applicant testified that it cannot install the type or size of artwork shown, because a Pepco vault within the property line is located below the artwork and requires a 40-foot clearance. (Ex. 5A3, Sheet A502.) However, with approximately 48 feet clear above the ground in that location, the Applicant agreed to install a smaller piece of art or decorative light, which the Commission finds is an appropriate response. (Ex. 22A, Sheet A502B.) The exact design and size of the artwork will be determined by the Applicant and will be installed in connection with construction of the West Building.
28. Regarding signage, the Applicant submitted a revised signage plan, which OP and the Commission find to be appropriate. Signage is not proposed above the top of the building's first story. (Ex. 22A, Sheet A351A.)
29. The Applicant does not propose to make any refinements to the ground floor. At the public hearing, the Applicant testified that the interior of the ground-floor spaces on both South Capitol and K Streets will be lively and colorful, and additional color will be included in the landscaping along South Capitol Street. Moreover, the materials and colors proposed for the base of the building are textured and varied, such that the Commission agrees with the Applicant that no additional design refinements or color highlights are needed to provide a dynamic and visually interesting ground-floor façade.
30. At the public hearing, the Applicant testified that the West Building would achieve LEED-Silver v.4 certification, as supported by DOEE in its report, which satisfied OP. The Applicant also submitted a revised LEED scorecard. (Ex. 22A, Sheet A106A.) The Commission finds that LEED-Silver v.4 certification is appropriate in this case.
31. The Applicant submitted a revised streetscape plan showing that the tree boxes along South Capitol street will be level. (Ex. 22A, Sheet L500A.) The top of the tree boxes will range from six inches above the adjacent public sidewalk at the southern portion of the Subject Property to approximately 28 inches at the northern portion of the Subject Property, since the sidewalk slopes down to the north. The modified streetscape plan also indicates the location of a future tree box within the South Capitol Street property line to enable the planting of an additional tree in the future. As noted below, the Applicant also resolved all other public space concerns raised by DDOT. All streetscape designs shall be consistent with the updated plans. (Ex. 22A, Sheets L500A, L502A, L300A.)
32. Based on the foregoing, and in reliance on OP's testimony at the public hearing that the Applicant had fully responded to each of its concerns, the Commission concludes that the



Applicant's testimony and the modifications to the plans submitted by the Applicant at the public hearing sufficiently address OP's conditions. (Ex. 22A.)

### **DDOT Report**

33. On January 26, 2018, DDOT submitted a report indicating no objection to the Application subject to conditions. (Ex. 17.) DDOT's conditions included the following: (i) strengthen the TDM plan to include additional elements indicated on page three of the DDOT report; (ii) revise the following elements in the South Capitol Street public realm: (A) give preference to the row of trees in the setback over street trees toward the northern end of the Subject Property where a narrow public space precludes the provision of a double row of trees; (B) construct sub-surface tree boxe(s) within the South Capitol Street property line to enable the planting of additional tree(s) in the future; (C) install pedestrian walkways between the sidewalk and the walkway in the setback area; and (D) utilize exposed aggregate paving material for the sidewalk areas and granite cobbles between the tree boxes; (iii) revise the canopy over the residential entrance to comply with the Building Code; and (iv) provide a loading corridor that could connect the loading area with the potential future retail area. DDOT also requested that the Applicant provide three electric car charging stations in the parking garage.
34. The Commission finds that the Applicant responded to and addressed all of DDOT's comments. With respect to the TDM plan, the Applicant submitted a revised TDM plan that was mutually acceptable to both the Applicant and DDOT. (Ex. 22A, Sheet 7.) The revised TDM plan includes the following items, which the Commission finds are appropriate and will adequately mitigate the traffic impacts created by the project:
  - a. Designate a TDM leader responsible for organizing and marketing the TDM plan, and provide updated contact information for the TDM leader and report TDM efforts and amenities to goDCgo staff once per year;
  - b. Stock Metrorail, Metrobus, DC Circulator, Capital Bikeshare, Guaranteed Ride Home, DC Commuter Benefits Law, and other brochures on site;
  - c. Unbundle all parking costs from the cost of lease and set parking costs at the average parking rate within a quarter-mile of the Subject Property, at a minimum;
  - d. Provide short- and long-term bicycle parking spaces that meet or exceed zoning requirements;
  - e. Provide an annual Capital Bikeshare membership or a carshare membership of equal value to each residential unit for a total of five years;
  - f. Provide an electronic display showing real-time transportation schedules and information in a common, shared space;
  - g. Post all TDM requirements online for easy reference;

- h. Provide a move-in kit to each resident containing a Get Around Guide highlighting local transportation options, such as Capital Bikeshare, carshare companies, Metro brochure, and other transportation information;
  - i. Hold two annual transportation events for residents;
  - j. Provide six shopping carts for residents to use on errands and grocery shopping;
  - k. Offer a carshare company the right of first offer to provide two cars for carsharing services in the parking garage; and
  - l. Provide a bicycle repair space in the long-term bicycle parking room.
35. The Applicant also submitted revised streetscape plans that addressed all of DDOT's comments. (Ex. 22A, Sheets L500A, L501A, L502A, L300A.) The revised streetscape plans prioritize the row of trees in the setback area over the street trees at the northern end of the Subject Property by adding a seventh tree in this location. They also provide for an additional sub-surface tree box within the South Capitol Street property line to enable the planting of an additional tree in the future. The streetscape plans also establish additional pedestrian walkways between the sidewalk and the setback area, and utilize exposed aggregate paving material for the sidewalk with granite cobbles between the tree boxes. (Ex. 22A.) Thus, the Commission finds that the Applicant thoroughly reviewed and addressed each of DDOT's comments regarding the revised streetscape design. The future condition of the streetscape plan is subject to change based on DDOT's final design for South Capitol Street. (Ex. 22A, Sheet L501A.)
36. Regarding the canopy, the Applicant stated at the public hearing that it would address DDOT's concerns during the public space permitting process, which the Commission agrees is the appropriate forum given that the canopy is in public space.
37. The Applicant submitted a slightly revised ground-floor layout showing a direct connection from the loading dock to the future retail space, which the Commission finds is adequate to address DDOT's concerns regarding deliveries for potential future retail at the Subject Property.
38. Finally, the Applicant agreed to install three electric car charging stations in the parking garage. (Ex. 22A, Sheet A203A.)

### **DOEE Report**

39. DOEE submitted a report to the record that recommend approval of the application. (Ex. 19.) In its report, DOEE stated its support for the Applicant's proposal to achieve LEED-Silver v. 4 certification, and to construct the building as "solar ready," even though it is unable to provide solar panels on the building at this time. The Commission

agrees with DOEE's report and commends the Applicant for working closely with DOEE to gain support for the project.

### **ANC Report**

40. By letter dated January 11, 2018, ANC 6D reported that at its duly noticed, regularly scheduled meeting of January 8, 2018, with a quorum of commissioners and the public present, ANC 6D voted 7-0-0 to send the following comments about the building's design. (Ex. 15.) The ANC's report indicated its preference for the Applicant to add more color to the building's façade, articulation to the building's façade at the base of the building, and that it would like to see public art added to the entrance on South Capitol Street to enhance the streetscape.
41. At the public hearing, the Applicant explained that it had increased the building's articulation in response to the ANC's comments. (*See* Ex. 22A, Sheet A506.) The Applicant also stated that it did not intend to add more color to the building because the materials proposed are already textured and varied, utilize a mix of stone, metal, and glass, and incorporate a rhythm of storefront windows and stone pilasters that engage the public realm. Therefore, the Applicant testified that it did not believe that additional colors would improve the building façade. The Commission welcomes the ANC's comments on the façade design but agrees with the Applicant that the building is already highly articulated and visually appealing, such that additional design refinements and color highlights are not needed to improve the overall building aesthetic. Finally, with respect to the request for public art on South Capitol Street, the Commission finds that there are already extensive plantings proposed for South Capitol that provide a visually interesting streetscape.

### **CONCLUSIONS OF LAW**

1. The Application was submitted pursuant to 11-I DCMR § 616 and 11-I DCMR, Chapter 7 for design review under the M and South Capitol Streets Sub-area requirements.
2. The Commission provided proper and timely notice of the public hearing on the Application by publication in the *D.C. Register* and by mail to ANC 6D, OP, and owners of property within 200 feet of the Subject Property.
3. Pursuant to 11-I DCMR § 616.8, the Commission required the Applicant to satisfy all applicable requirements set forth in 11-I DCMR Chapter 7. The Commission concludes that the Applicant has met its burden.
4. The proposed development is within the applicable height, bulk, and density standards for the D-5 zone and will not tend to affect adversely the use of neighboring property. The overall project is also in harmony with the general intent and purpose of the Zoning Regulations and Zoning Map.

5. The Commission concludes that the project will further the objectives of the M and South Capitol Streets Sub-area set forth in 11-I DCMR § 616.1, and will promote the desired mix of uses set forth therein. The design of the proposed building meets the purposes of the M and South Capitol Streets Sub-area and meets the specific design requirements of 11-I DCMR § 616.7.
6. No person or parties appeared at the public hearing in opposition to the Application.
7. The Commission is required under §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)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The affected ANC in this case is ANC 6D. The Commission carefully considered the issues and concerns stated in the ANC's report relating to the building's color. As noted above, the Commission appreciates the ANC's suggestion to add color to the building façade, but agrees with the Applicant that the building is aesthetically pleasing and cohesive as proposed, such that additional color highlights are unnecessary. The Commission also agrees with the Applicant that the building façade on the ground floor is sufficiently articulated on the ground floor, and that the South Capitol Street streetscape is sufficiently visually interesting given the extensive tree plantings proposed by the Applicant, so that additional modifications to the design are not necessary to justify approval.
8. The Commission is required under § 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 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and finds its recommendation to grant the application persuasive. As noted in this Order, the Commission concludes that the Applicant satisfactorily addressed every outstanding item noted in the OP Report either through testimony at the public hearing or through the Applicant's submission dated February 5, 2018 (Ex. 22A).
9. Based upon the record before the Commission, including witness testimony, the reports submitted by OP, DDOT, DOEE, and ANC 6D, and the Applicant's submissions, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11-I DCMR § 616 and 11-I DCMR, Chapter 7.

### **DECISION**

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application consistent with this Order. This approval is subject to the following guidelines, standards, and conditions:

1. Approval of the project shall apply to Lots 804 and 7000 in Square 697N.
2. The project shall be built in accordance with the architectural drawings included in the record of Z.C. Case No. 17-25 and submitted on November 29, 2017 (Ex. 5A), as

supplemented by the architectural drawings dated January 16, 2018 (Ex. 16A), and as further modified and supplemented by the architectural drawings dated February 5, 2018 (Ex. 22A), which were submitted as the Applicant's hearing PowerPoint presentation, and as modified by the guidelines, conditions, and standards below.

3. **For the life of the Project** (except as otherwise noted) the Applicant shall implement the following TDM measures:
  - a. Designate a TDM leader responsible for organizing and marketing the TDM plan, and provide updated contact information for the TDM leader and report TDM efforts and amenities to goDCgo staff once per year;
  - b. Stock Metrorail, Metrobus, DC Circulator, Capital Bikeshare, Guaranteed Ride Home, DC Commuter Benefits Law, and other brochures on site;
  - c. Unbundle all parking costs from the cost of lease and set parking costs at the average parking rate within a quarter-mile of the Subject Property, at a minimum;
  - d. Provide short- and long-term bicycle parking spaces that meet or exceed zoning requirements;
  - e. Provide an annual Capital Bikeshare membership or a carshare membership of equal value to each residential unit for a total of five years;
  - f. Provide an electronic display showing real-time transportation schedules and information in a common, shared space;
  - g. Post all TDM requirements online for easy reference;
  - h. Provide a move-in kit to each resident containing a Get Around Guide highlighting local transportation options, such as Capital Bikeshare, carshare companies, Metro brochure, and other transportation information;
  - i. Hold two annual transportation events for residents;
  - j. Provide six shopping carts for residents to use on errands and grocery shopping;
  - a. Offer a carshare company the right of first offer to provide two cars for carsharing services in the parking garage; and
  - k. Provide a bicycle repair space in the long-term bicycle parking room.
4. **Prior to the issuance of a certificate of occupancy for the Project**, the Applicant shall provide evidence to the Zoning Administrator that the project shall be designed to include at least the minimum number of points necessary to achieve LEED-Silver v.4 certification;

5. The Applicant shall have flexibility with the design of the Project in the following areas:
- a. To provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the architectural drawings;
  - b. To provide a range in the number of parking spaces of plus or minus 15%;
  - c. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building;
  - d. To replace the proposed ground-floor residential amenity space with retail space if retail demand along South Capitol Street increases in the future, so long as doing so does not materially impact the ground-floor façade design other than in compliance with the flexibility requested herein;
  - e. To vary the location and design of the ground-floor components to comply with any of the applicable District of Columbia laws and regulations, and to vary the location and increase the number of ground-floor entrances and show windows;
  - f. To vary the final selection of the exterior materials within the color ranges proposed (maintaining or exceeding the same general level of quality), based on availability at the time of construction, and to make refinements to the exterior details and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes provided they do not significantly alter the exterior design to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals;
  - g. To vary the sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below LEED-Silver v.4;
  - h. Flexibility to install additional tree(s) in tree pit(s) located within the property line along South Capitol Street; and
  - i. Flexibility on the exact design and size of the artwork located within the Private Drive.
6. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.1 *et seq.* (the "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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violations will be subject to disciplinary action.


On February 5, 2018, upon the motion of Commissioner May, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the Application at the conclusion of the public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on July 6, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

  
\_\_\_\_\_  
**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

 for  
\_\_\_\_\_  
**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**