

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 10-12
Z.C. Case No. 10-12
Tiber Creek Associates, L.P.
(Capitol Gateway Overlay Review)
September 27, 2010

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on July 29, 2010, to consider an application for property owned by Tiber Creek Associates, L.P. (the “Applicant”) for review and approval of a new development pursuant to the Capitol Gateway (CG) Overlay District provisions (“CG Overlay District Review”) set forth in §1610 of the D.C. Zoning Regulations (the “Zoning Regulations”), Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The property that is the subject of this application consists of Lot 55 in Square 601.

In addition to the special exception relief requested pursuant to § 1610, the Applicant also requested special exception relief from §§ 639 and 411 regarding the rooftop structures and special exception relief from § 2101.1 regarding the number of parking spaces proposed in the project. The Commission is authorized to grant this special exception relief pursuant to §§ 1610, 2108, and 3104.

The Commission considered the application pursuant to Chapter 30 of the Zoning Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

PROCEDURAL HISTORY

1. On May 21, 2010, the Applicant submitted an application for Commission design review and special exception relief for property located on Lot 55 in Square 601 (the “Property”). The Property is comprised of approximately 29,894 square feet of land area and is located in the CG/CR Zone District. In addition to the CG Overlay District special exception review pursuant to § 1610 of the Zoning Regulations, the Applicant requested special exception relief from §§ 639 and 411 regarding the rooftop structures, and special exception relief from § 2101.1 regarding the number of parking spaces proposed in the project.

2. After proper notice was provided, the Commission held a hearing on the application on July 29, 2010. Parties to the case included the Applicant and Advisory Neighborhood Commission (“ANC”) 6D, the ANC within which the Property is located.
3. The witnesses at the public hearing included: Hammad Shah and Austin Flasjer, on behalf of the Applicant; Gordon Godat of JP2 Architects, LLC, the project architect who was admitted as an expert in architecture; and ANC 6D06 Commissioner Rhonda Hamilton, on behalf of ANC 6D.
4. At the conclusion of the hearing, the Commission requested that the Applicant submit the following: (i) additional information on the color palette proposed for the building; (ii) additional information on how the various façade panels will be attached to the structure; (iii) perspectives which include the elevator mechanical penthouse; and (iv) additional information justifying the proposed reduction in the amount of parking spaces provided in the project. The Applicant submitted these materials to the Commission on September 3, 2010. (Exhibit 21.)
5. At the public meeting on September 27, 2010, the Commission took final action to approve the plans submitted into the record and the requests for CG Overlay review and special exception relief.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

6. The Property is located one and one-half blocks west of South Capitol Street in Southwest Washington. The Property is bound by Second Street, S.W. to the west, First Street, S.W. to the east, Q Street, S.W. to the south and a part of the Syphax Gardens housing complex to the north. Ft. McNair and the National Defense University are located one block to the west of the Property. The Property is currently improved with a taxi cab repair garage. The area to the south of the Property includes numerous industrial uses, vacant properties and surface parking lots. (Exhibit 4, p.1.)

PROJECT OVERVIEW

7. The Applicant proposes the development of a hostel and hotel (the “C Hostel & Hotel”) concept that will be the first of its kind in the District of Columbia. The C Hostel & Hotel concept is intended to sell beds rather than rooms. This hospitality concept is expected to compete with the youth hostel market, providing numerous amenities at a competitive price, and will cater to groups and government travelers where price is an important factor. The hotel component of the project will be comprised of rooms with single and double beds and in-room bathrooms. The hostel component of the project will include dormitory-styled rooms and shared female and male showers on each floor. The C Hostel & Hotel satisfies the Zoning Regulations’ definition of an inn. (Exhibit 4, pp. 1-2.)

8. The C Hostel and Hotel (the “Project”) includes approximately 109 rooms with approximately 489 beds. The Project will have a floor area ratio (“FAR”) of 2.47, a maximum building height of 63 feet, and will include 27 parking spaces (as well as 10 bicycle parking spaces). The range of room types includes: rooms with a queen or twin bed; a one bedroom suite; or rooms with two, three, four, or six bunk beds per room. The ground floor of the Project includes the reception area, public lounge and locker areas, a central dining and kitchen area, a game area, and a “bean bag movie lounge.” The second floor includes another lounge, a landscaped courtyard with views onto Q Street, S.W., a computer lounge, and laundry facilities. The hostel/hotel rooms are located on floors two through five. There is no proposed roof access by the guests; access to the roof will only be permitted for maintenance purposes. (Exhibit 4, p. 2.)
9. Vehicular access to the Project is provided by a centrally located curb cut along Q Street, S.W. There are currently two curb cuts on the Property and the Applicant has agreed to remove one of the existing curb cuts. Vehicles can enter onto the Property, drop off guests at the reception area and then enter the parking area in the rear of the Property by way of an entrance/exit drive on the western edge of the Property. Trash removal and deliveries will be serviced by loading facilities located in the northeast corner of the Property. Access to the loading facilities will be from the existing alley system in the Square. (Exhibit 4, p. 2.)
10. The façade of the structure includes a variety of building materials and is intended to appeal to a younger, vibrant population. The proposed exterior materials include fiber-cement board panels of various colors and textures, composite panels with a laminate wood veneer, aluminum storefronts and windows, and glazed brick. (Exhibit 4, p. 2; Exhibit 21.)
11. The proposed structure utilizes setbacks and step downs in order to provide an appropriate transition to neighboring properties. The structure is set back 23 feet from the western lot line, 16 feet from the northern lot line, and on the eastern lot line the structure is set back 25 feet at floors two through five. (Transcript of July 29, 2010 Public Hearing (“Tr.”) p. 23.)

REQUESTED AREAS OF RELIEF

Special Exception Relief - Satisfaction of CG Overlay

12. The Applicant is required to prove that the Project is consistent with the requirements of § 1610. The following paragraphs address the Applicant’s satisfaction of these special exception standards.
13. The purposes and objectives of the CG Overlay District, as enumerated in §1600.2, that are relevant to the proposed development include:

- Assuring development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area; and
 - Encouraging a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses.
14. Pursuant to §§ 1610.3(a) and (b), the Applicant is required to prove that the Project will achieve the objectives of the CG Overlay District as set forth in § 1600.2 noted in Paragraph 13 above. The Applicant, in its written statement and testimony at the public hearing, noted that the Project will achieve the objectives of the CG Overlay District by introducing a style of hostel/hotel use on the Property that does not currently exist anywhere else in the District of Columbia, a low cost/high value hospitality option for travelers that otherwise might find it necessary to stay in suburban locations. The Applicant also noted that the Project is expected to generate approximately 225 construction jobs and approximately 30-35 permanent jobs for the staffing and operation of the hostel/hotel. The Applicant presented evidence that the proposed hostel/hotel will establish a use on the Property that will create a much more active and vibrant pedestrian environment than the current use. The ground floor of the Project is intended to be a gathering place for visitors and guests. The second floor includes an outdoor courtyard which overlooks Q Street, S.W. and will be visible to pedestrians walking along Q Street, S.W. The project architect testified to the upgraded landscaping that is proposed for the Project and the design's adherence to the D.C. Streetscape Standards. (Exhibit 4, pp. 4-6; Tr. p. 30.)
15. Pursuant to § 1610.3(c), the proposed building must be in context with the surrounding neighborhood and street patterns. The Applicant noted that the Property is surrounded by industrial, institutional, and residential (multi-family and single-family) uses. The proposed height and bulk of the Project is generally consistent with the scale of development in the surrounding neighborhood, and the proposed building height and FAR are significantly less than what is permitted in the CG/CR Zone District as a matter-of-right. In addition, the structure provides setbacks and step downs to the adjacent properties in order to provide appropriate transitions between the Property and the adjacent properties. (Exhibit 4, p. 5; Tr. p. 23.)
16. Satisfaction of § 1610.3(d) requires that the proposed building minimize conflict between vehicles and pedestrians. There are currently two curb cuts on the Property. As noted in the written submission and testimony at the public hearing, the Applicant consulted with representatives of the District Department of Transportation ("DDOT"), and removed one of the originally proposed curb cuts along Q Street and provided access to the loading docks and trash bins from the existing alley system in the rear of the Property. The project architect and representatives of the Applicant testified to the importance of the proposed single curb cut on Q Street, S.W. to allow for efficient guest drop-off and to

provide an inviting sense of arrival to the C Hostel & Hotel. The project architect noted that the curb and entrance to the building include a decorative concrete paving surface surrounded by bollards, to slow down the vehicles and convey the importance of pedestrian activity along Q Street, S.W. (Exhibit 4, p. 5; Tr. pp. 19, 21.)

17. In accordance with § 1610.3(e), the proposed building should minimize unarticulated blank walls adjacent to public spaces through facade articulation. The proposed building design includes glass at the ground floor for approximately two-thirds of the façade along Q Street, S.W. Windows, colored panels and a variety of building materials are used throughout the façade of the Project to create a rich texture. The project architect noted the glazed brick material that has been added to the Project during this review process. In response to Commissioner comments at the public hearing regarding the overall quality of the materials, the Applicant added a composite panel faced with a laminate wood veneer to the façade. (Exhibit 4, p. 5; Tr. pp. 24-25; Exhibit 21.)
18. Section 1610.3(f) requires that 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 Project has been designed to qualify for a LEED certification level of at least “Certified”. The Applicant submitted a preliminary LEED checklist for the Project into the record at the public hearing. (Exhibit 16.)
19. The Applicant is also required to show that the proposed development will not affect adversely the use of neighboring property. The Applicant noted that this application allows for the removal of a taxi cab repair service that brings approximately 50-60 cars to the Property every day with a hostel/hotel use that will add vibrancy and vitality to the area without overwhelming the adjacent residential uses. The Applicant provided evidence that the design of the building and the proposed use will minimize impacts on the adjacent properties. Examples include the proposed outdoor courtyard on the second floor, which is buffered from the adjacent properties by the east and west wings of the building. Similarly, the ground floor uses do not include a restaurant or other retail use open to the general public that might cause unintended adverse impacts on the adjacent residential uses. (Exhibit 4, p. 6; Tr. pp. 99-100.)

Special Exception Relief- Roof Structures

20. The Applicant is seeking special exception relief pursuant to §§ 3104 and 639 from 11 DCMR §§ 411.2, 411.3, and 411.5 for multiple rooftop structures on the roof of the proposed building, which are of varying heights, that do not satisfy the setback requirements. Section 411.2 states that penthouses are subject to the requirements of § 630.4. Section 630.4(b) requires that penthouses shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located. Section 411.3 requires that “all penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material and color.” Section 411.5 requires penthouse walls from roof level to be of

equal height, and to rise vertically to a roof. Section 411.11 of the Zoning Regulations provides, however, that “[w]here impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the ... location, design, number, and all other aspects of such structure; ... provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.” (Exhibit 4, pp. 6-7.)

21. The Project will include two rooftop structures: one stair enclosure and one elevator overrun. The rooftop enclosure provided for the elevator overrun is permitted pursuant to § 411.4 of the Zoning Regulations; however, the stair enclosure is in excess of those permitted by the Zoning Regulations. The stair enclosure, however, is required by the Building Code. As noted in the written statement and in the testimony of Mr. Godat, the elevator core is centrally located in order to provide convenience to guests. The stairway is located outboard in order to prevent the interruption of social space on the ground floor while addressing relevant Building Code requirements for egress. The stairway and the elevator overrun cannot be located in a single enclosure because the Building Code requirements necessitate that the stairways be located in specific locations, which do not coincide with the location of the elevator core. To create a single penthouse for both the elevator overrun and the stairway would result in an unnecessarily large penthouse. (Exhibit 4, p. 7; Tr. pp. 22, 43-44.)
22. The roof structures will vary in height because they serve different purposes. The height of the roof structure for the elevator overrun equipment is only eight feet above the roof, as the elevator does not go up to the roof because there will be no guest access to the roof. The roof structure for the stairway enclosure will measure 11 feet, four inches above the roof and will provide access to the roof for maintenance purposes only. (Exhibit 4, p. 7.)
23. As noted in the written submissions and the testimony of the project architect, the two roof structures, the varying heights of the roof structures, and their placement on the roof not set back at a 1:1 ratio from all exterior walls of the building will not adversely affect the use of neighboring property. To the contrary, the Applicant is reducing the possibility of adversely affecting neighboring property owners by providing separate roof structures and structures of varying heights rather than creating a single, overly large structure. Both structures are considerably shorter than the 18 feet, six inch height that is permitted as a matter-of-right. The stairway roof enclosure is treated as a prominent tower element to the structure along Q Street. As depicted in the Applicant’s post-hearing submission, the mechanical penthouse for the elevator override equipment has only limited visibility from Q Street, S.W. (Exhibit 4, p. 7; Exhibit 21.)

Special Exception Relief – Number of Parking Spaces

24. The Project includes 27 parking spaces. The Zoning Regulations require 33 parking spaces for the proposed use. The Applicant testified at the public hearing and presented evidence into the record that the proposed number of parking spaces is sufficient to satisfy the expected demand for parking spaces generated by the unique nature of this hostel/hotel and the shuttle bus service that will be provided for guests and staff of the C Hostel & Hotel. (Exhibit 4, pp. 8-9; Exhibit 12, pp. 2-3.)
25. The Applicant agreed to provide a shuttle bus that will provide service to both the Waterfront/SEU and Navy Yard Metro Stations. The Applicant has agreed to work with DDOT and WMATA in locating appropriate loading and unloading zones for the shuttle bus at these Metro stations. The shuttle bus will be available to both guests and employees of the C Hostel & Hotel. The shuttle bus will operate from 6:30 a.m. to 9:30 p.m. Sunday – Thursday, and until 12:00 a.m. on Friday and Saturday nights. The shuttle bus is expected to run every half hour. If there is sufficient demand for extending the shuttle bus to later or earlier hours of operation, the Applicant will extend the hours of operation of the shuttle bus. In addition, if the Applicant finds that there are certain hours of the day with very little shuttle bus activity, it may not run continuous service during those hours of limited demand. (Exhibit 12, p. 2.)
26. The Applicant noted that the parking demand for the C Hostel & Hotel will be generated by the staff of the hostel/hotel and the guests. The operation of the hostel/hotel is expected to generate 30-35 full time positions. The maximum number of staff that are expected to be on the site at any one time is 20-22 people. Based on the Applicant's experience with operating other hotels, it is expected that a maximum of six to seven staff members will drive to the hostel/hotel. The hostel/hotel will have approximately 109 rooms. When the hostel/hotel is deemed to be stabilized, it is expected to have an average occupancy rate of 70%. Given the clientele that the C Hostel & Hotel is expected to attract and the Applicant's experience with operating similar types of hospitality facilities, the Applicant expects that a maximum of 10-15% of the hostel/hotel guests will drive to the Property. Therefore, the expected daily parking demand from the hostel/hotel guests is expected to be approximately 12 parking spaces (110 rooms X 70% occupancy X 15% of guests bringing vehicles to the property = 11.55 parking spaces). Even if the hostel/hotel was 100% occupied, the expected demand for parking spaces for the guests would be approximately 17 parking spaces (110 rooms X 100% occupancy X 15% of guests bringing vehicles to the property = 16.5 parking spaces). Adding the maximum expected demand for parking spaces from hostel/hotel staff (seven parking spaces) and the maximum expected parking demand from hostel/hotel guests (12, with a maximum of 17 parking spaces) results in an expected maximum parking space demand of 19-24 parking spaces. (Exhibit 12, pp. 2-3.)

27. In response to questions raised at the July 29, 2010 public hearing in this case, the Applicant provided additional information regarding the sufficiency of the number of parking spaces that will be provided in the Project. In a filing dated September 3, 2010, the Applicant noted the following:

- The Hostelling International DC hostel located at 1009 11th Street, N.W. provides zero parking spaces for its 250 beds. The International Student Center hostel located at 2451 18th Street, N.W. provides zero parking spaces for its 40 beds. The Capital City Hostel located at 2411 Benning Road, N.E. can provide up to three parking spaces (upon request) for its 40 beds. The Applicant concluded that the experience of these hostels seems to be that there is no demand for parking spaces for a typical hostel use;
- The Project includes 49 rooms that are intended to serve as an economy hotel. These are rooms with queen beds (33), twin beds (12) or a one bedroom suite (four). The Zoning Regulations require that an Inn provide one parking space for every four rooms. Applying this ratio to the hotel portion of the project only, would result in a requirement of only 13 parking spaces for the rooms (plus an additional six parking spaces based on the square footage of the largest function room). Thus, the Applicant proposed that a more accurate calculation of the amount of parking spaces needed for this Project is 19 spaces; and
- During the public hearing, a question was raised as to whether the Project would generate additional vehicular traffic as a result of people coming to the lounge on the first floor. One of the conditions of the Community Benefits Agreement that the Applicant has entered into with ANC 6D is that alcohol will be served in the lounge only to guests of the hostel/hotel. Therefore, the Applicant does not believe that the proposed lounge will generate any additional vehicular traffic coming to the Property. (Exhibit 21.)

GOVERNMENT REPORTS

28. In its July 19, 2010, report, the Office of Planning (“OP”) noted that it is very supportive of the Project and can recommend approval of the application once a revised design that eliminates the proposed curb cut is submitted. OP concluded that the Applicant had satisfied the standards for special exception approval for the requested roof structure relief and for the reduction in the amount of parking spaces provided in the Project. OP noted that approval of the application would be in harmony with the intent of the Zoning Regulations. The OP report stated that:

“[t]he addition of a hostel and hotel will diversify the uses in the neighborhood, add pedestrians and street activity, and potentially provide jobs for residents. The building would not be out of character with the scale of the surrounding community. The height and FAR are well below what is permitted as a matter-of-

right in this zone. And while in an urban environment one can often experience differing heights among adjacent buildings, in this case the proposed structure uses setbacks and step downs to transition to nearby buildings. Granting approval pursuant to § 1610 will not adversely affect neighboring properties.” (Exhibit 13, pp. 8-10.)

29. OP determined that the application would generally further the objectives of the CG Overlay, and as such, the application is generally consistent with the Comprehensive Plan and would further numerous Guiding Principles of the Comprehensive Plan. OP also concluded that the proposed development is not inconsistent with the Comprehensive Plan’s land use map designations. (Exhibit 13, pp. 10-11.)
30. In testimony at the July 29, 2010 public hearing, representatives of OP testified that the design of the project generally meets the intent of the CG Overlay. However, the OP representatives noted their concern regarding the curb cut on Q Street, S.W. and stated that the design of the project could more completely meet the intent of the Overlay if the curb cut were eliminated. (Tr. p. 81.)
31. In testimony at the July 29, 2010 public hearing, representatives of OP noted that they had received a written report from D.C. Water which did not object to the Project. The OP representative also mentioned an e-mail that was received from the Fire and Emergency Medical Services (“FEMS”) Department regarding the Project. FEMS requested that the alley adjacent to the Property be widened to 20 feet. (Tr. p. 82.)
32. In rebuttal testimony, the project architect testified that it is not necessary for the alley to be widened to 20 feet in order for the Project to satisfy the relevant provisions of the International Fire Code. (Tr. pp. 124-125.)

ADVISORY NEIGHBORHOOD COMMISSION REPORT

33. On July 12, 2010, ANC 6D held its regularly scheduled and properly noticed monthly public meeting. At that meeting, ANC 6D voted 5-0-0 to support the application. The ANC noted that its support of the application is based on the Applicant’s satisfaction of the special exception standards for the roof structure relief and the reduction in the amount of proposed parking spaces. The ANC noted that it believes the proposed hostel/hotel use, the architectural design, and location of the Project on this site all further the goals and policies of the CG Overlay District. The ANC supported the single curb cut on Q Street, S.W. for the Project and noted that this Project eliminated one of the two existing curb cuts. ANC 6D also noted that the Applicant worked with ANC 6D representatives to create a Community Benefits Agreement related to the Project. (Exhibit 14.)
34. In testimony at the public hearing, ANC 6D06 Commissioner Rhonda Hamilton testified as to the ANC’s support for the proposed single curb cut. Commissioner Hamilton noted

the opposition of her constituents to any proposal that would bring all vehicular traffic onto the Property from the existing alley system. Commissioner Hamilton noted that the community views the alley systems in this general area to be pedestrian-friendly and the alleys are used by local residents to unload groceries, empty trash, and as a means of access to backyard play areas. Commissioner Hamilton testified that this portion of Q Street, S.W. does not have many pedestrians and she did not believe that the proposed curb cut would negatively impact pedestrian safety. (Tr. pp. 112-116.)

PARTIES/PERSONS IN SUPPORT OR OPPOSITION

35. There were no parties or persons that testified in support or opposition to the project.

CONCLUSIONS OF LAW

1. The Commission finds that, pursuant to 11 DCMR § 1610, the Applicant is required to satisfy the burden of proving the elements that are necessary to approve the overall project under § 3104, as well as the specifically delineated requirements of the CG Overlay. In addition, the Applicant must establish the case for special exception relief from the roof structure requirements of §§ 639.1 and 411.11, and the parking space requirements of § 2101.1.
2. The Commission provided proper and timely notice of the public hearing on this application, by publication in the *D.C. Register*, and by mail to ANC 6D, OP, and to owners of property within 200 feet of the site.
3. The proposed development is within the applicable height, bulk, and density standards of the Zoning Regulations, and the height and density will not cause a significant adverse effect on any nearby properties. The proposed hostel/hotel use is appropriate for the site, which is located in the CG/CR Zone District. The impact of the Project on the surrounding area is not unacceptable. The proposed development has been appropriately designed to complement existing and proposed buildings adjacent to the site, with respect to height and mass.
4. Approval of the proposed development is not inconsistent with the Comprehensive Plan.
5. 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) (2001)) to give “great weight” to the issues and concerns raised in the written report of the affected ANC. As is reflected in the Findings of Fact, at its duly noticed meeting held on July 12, 2010, ANC 6D, the ANC within which the Subject Property is located, voted 5-0-0 in support of the application for CG Overlay District Review. The ANC noted that it believed the Applicant had satisfied the standards of review of the CG Overlay District and the special exception standards for roof structure relief and for the proposed reduction in the number of parking spaces provided in the Project.

6. Based upon the record before the Commission, having given great weight to the views of the ANC and having considered the report and testimony OP provided in this case, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR §§ 1610 and 3104 and the independent burden for each special exception. The Commission finds that the Project fully satisfies the goals and objectives of the CG Overlay District. The Commission finds that granting the requested special exception relief will create a building that will further the goals of the CG Overlay District and will create a new type of hospitality option in the District of Columbia. The Commission finds that the proposed hospitality use will add to the vibrancy and vitality of this emerging area and will create 30-35 permanent jobs that will be made available for qualified neighborhood residents. The proposed structure is consistent in height and bulk with other structures in the area and has been designed to minimize unarticulated blank walls. The Applicant has submitted a LEED checklist for this Project and will achieve LEED certification. The Commission notes that the Applicant's proposal to minimize the number of parking spaces provided in the Project and the provision of a shuttle bus for guests and employees of the Project will minimize impacts on the environment.
7. The Commission finds that the color palette for the proposed structure is an appropriate response to the Applicant's intention to appeal to a younger traveling clientele, while still blending in with the adjacent neighborhood. The Commission approves of the quality of the architectural materials that are proposed for the façades of the structure and the level of detail that has been paid to the constructability of the Project as presented to the Commission.
8. The Commission notes that the Applicant is proposing a single curb cut along Q Street, S.W. in front of the proposed hostel/hotel. The Commission notes that there are currently two curb cuts on the Property. While the Commission acknowledges the testimony and report of OP in this case regarding the proposed curb cut, the Commission agrees with the Applicant's testimony and evidence that the inclusion of the proposed curb cut from Q Street, S.W. is appropriate for this particular use at this particular location. The Commission agrees with the testimony of the project architect and the ANC 6D representative that Q Street, S.W. is not now, nor will it likely be in the future, a heavily trafficked pedestrian area due to the natural barriers of Ft. McNair to the west and S. Capitol Street to the east. The Commission believes that the proposed curb cut and drop-off area on private property for a hospitality use in this emerging neighborhood is entirely appropriate and will not create any conflict between vehicles and pedestrians along Q Street, S.W. The Commission also notes the testimony of the ANC 6D06 Commissioner in this case regarding the adverse impact that could result on neighboring properties if the Project was not permitted to retain a curb cut on Q Street, S.W. and all vehicles were required to access the Property solely from the existing alley system.

9. The Commission finds that the Applicant has satisfied the burden of proof enumerated in § 411.11 for the proposed roof structure relief. The Commission concludes that having separate roof structures of varying heights on this building will minimize impact on neighboring properties and will not impair the intent and purpose of the Zoning Regulations. In regard to the roof structures not being set back from the exterior walls of the building at a ratio of 1:1; the Commission agrees with the information presented by the Applicant that the roof structure of the elevator mechanical equipment has only limited visibility from Q Street. The Commission also finds that incorporating the stairway roof structure into the tower element along Q Street is an appropriate treatment for the roof structure. Therefore, the Commission concludes that approval of the roof structures that do not meet the setback requirements will not impair the intent and purpose of the Zoning Regulations and will not create adverse impacts on neighboring properties.
10. The Commission has the authority to reduce the number of parking spaces required for nonresidential uses as a special exception, provided the requirements of § 2108 are satisfied. The Commission agrees with the testimony of the Applicant that the number of proposed parking spaces is appropriate and concludes that the requirements of § 2108 have been satisfied. The Commission finds that the hostel component of the Project is likely to generate very little demand for parking spaces and notes the evidence provided by the Applicant that other hostels in the District provide zero or very little parking for their guests. The Commission also finds that the Applicant's proposed shuttle buses providing transportation to the Navy Yard and Waterfront/SEU Metro Stations, which will be made available to guests and staff of the C Hostel & Hotel, will mitigate the need for the required number of parking spaces. The Commission also notes that the Project is providing 27 of the required 33 parking spaces, approximately 82% of the required amount. For all of these reasons, the Commission approves the amount of parking spaces proposed by the Applicant.
11. The application for CG Overlay District Review will promote the orderly development of the site in conformity within the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and the Map of the District of Columbia.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL**, consistent with this Order, of the application for CG Overlay District Review and special exception relief. For the purposes of the following conditions, the term "Applicant" shall be the person owning fee simple title to the Property or their agent. This approval is subject to the following guidelines, conditions, and standards* :

1. The project shall be built in accordance with the architectural plans, elevations, and materials submitted in the record of Zoning Commission Case No. 10-12 as Exhibit 23, as modified by the guidelines, conditions, and standards below.
2. The Applicant will provide a shuttle bus service to both the Waterfront/SEU and Navy Yard Metro Stations. The shuttle bus will be available to both guests and employees of the Project. The shuttle bus will operate from 6:30 a.m. – 9:30 p.m. Sunday – Thursday, and until 12:00 a.m. on Friday and Saturday nights. The shuttle bus is expected to run every half hour. If there is sufficient demand for extending the shuttle bus to later or earlier hours of operation, the Applicant will extend the hours of operation of the shuttle bus. If the Applicant finds that there are certain hours of the day with very limited shuttle bus activity, it has the ability to limit continuous service during those hours of limited demand. The shuttle bus will continue in operation as long as the C Hostel & Hotel operates on the Property.
3. The Applicant shall have flexibility with the design of the project in the following areas:
 - 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 buildings;
 - To vary the final selection of the exterior materials within the color ranges as proposed, based on availability at the time of construction; and
 - To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes 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.
4. 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.

On September 27, 2010, upon the motion of Chairman Hood as seconded by Commissioner Selfridge, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Greg M. Selfridge, and Michael G. Turnbull to approve; Peter G. May to approve by absentee ballot).

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In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the *D.C. Register*, on November 12, 2010.



ANTHONY HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

* The Applicant has separately agreed to abide by the terms of the Community Benefits Agreement signed by the Applicant and ANC 6D, Exhibit 14 in the record.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 10-12

NOV 12 2010

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 10-12 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | | | |
|----|--|----|--|
| 1. | <i>D.C. Register</i> | 5. | Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. | Paul Tummonds, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 6. | Councilmember Tommy Wells |
| 3. | ANC 6D
1104 4 th Street, S.W. Suite W130
Washington, DC 20024 | 7. | DDOT (Karina Ricks) |
| 4. | Commissioner Rhonda Hamilton
ANC/SMD 6D06
44 Q Street, S.W. #12
Washington, DC 20024 | 8. | Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, DC 20024 |
| | | 9. | Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:

A handwritten signature in black ink that reads "Sharon S. Schellin".

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning