GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19020-A of Jemal's Bulldog L.L.C., pursuant to 11 DCMR § 3103.2, for variances from the court requirements under § 776, the off-street parking requirements under § 2101.1, and the loading requirements under § 2201.1, and pursuant to § 3104.1, a special exception from the rear yard requirements under § 774, to construct a new 13-story hotel building with cellar in the DD/C-3-C District at premises 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809).

HEARING DATE: June 23, 2015
DECISION DATE: July 28, 2015

CORRECTED[1] DECISION AND ORDER

This self-certified application was submitted on April 7, 2015 by Jemal's Bulldog L.L.C., the owner of the property that is the subject of the application, to request an area variance from the court requirements under § 776 and variances from the parking requirements under § 2101.1 and loading requirements under § 2201.1, as well as a special exception from the rear yard requirements under § 774, to allow a new 13-story hotel, with cellar, in the DD/C-3-C district at 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809). Following a public hearing, the Board voted to grant the application subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated April 14, 2015, the Office of Zoning provided notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 2; Advisory Neighborhood Commission ("ANC") 2C, the ANC in which the subject property is located; and Single Member District/ANC 2C01. Pursuant to 11 DCMR § 3112.14, on April 15, 2015, the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 2C, and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on April 24, 2015 (62 DCR 5173).

Party Status. The Applicant and ANC 2C were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application from Unite Here Local 25, a union of hotel workers that owns office space approximately one block to the east of the subject property. An application for party status in opposition to the application submitted by

[1] This order replaces Order No. 19020 and changes the exhibit number of the approved plans from Exhibit 7 to the correct number – Exhibit 37C. In all other substantive respects, this order remains the same.

Ian Golub on behalf of JG Realty, Inc. was withdrawn.
Applicant's Case. The Applicant provided evidence and testimony from Paul Millstein and Andrea Gourdine on behalf of the Applicant; Peter Fillat, an architect; and Erwin Andres, a traffic analyst. The Applicant's witnesses described the design and planned operation of the hotel project and asserted that the application met the requirements for approval of the requested zoning relief.

OP Report. By memorandum dated June 16, 2015, the Office of Planning recommended approval of the requested zoning relief, subject to conditions proposed by the Applicant. (Exhibit 39.)

DDOT. By memorandum dated June 16, 2015, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 40.)

ANC Report. By letter dated June 4, 2015, ANC 2C indicated that, at a properly noticed public meeting on May 11, 2015 with a quorum present, the ANC voted 9-0-0 in support of the application, subject to certain "terms to which the applicant agreed" relating to the provision of a "pet-friendly building," bicycle parking, maintenance of areas adjacent to the planned hotel, and maintenance of the abutting public alley. (Exhibit 35.)

Party in opposition. The party in opposition objected to the Applicant's plan not to provide any on-site parking, citing an already limited supply of parking in the vicinity for its union members and employees as well as for residents and visitors to the nearby convention center.

Persons in support. The Board received letters in support of the application from owners of properties near the subject property. The letters stated generally that the Applicant's project would improve the quality and character of the surrounding neighborhood, commented favorably on the proposed design of the hotel building, and asserted that the project would not create detrimental effects on neighboring properties, including with respect to parking. The Board heard testimony in support of the application from a resident of a condominium building abutting the subject property, who described a memorandum of understanding entered into by the Applicant and the condominium association to address matters of concern to the residents, including parking, traffic in the public alley, and the size of trucks permitted to use of the hotel's loading facility.

FINDINGS OF FACT

The Subject Property

1. The subject property is located in the southern portion of Square 342, at the northeast corner of the intersection 11th and K Streets, N.W. (Lots 4, 5, 53, and 809), with an

address of 1011 K Street, N.W.[2]

2. The subject property has a lot area of approximately 7,311 square feet. The parcel is L-shaped, with two relatively narrow "wings." The southern boundary extends approximately 125 feet along K Street. The eastern boundary abuts private property (Lot 3) and extends a depth of 100 feet to a public alley that defines the northern-most boundary for a distance of 50 feet. The remaining two lot lines – 69 feet parallel with the eastern boundary and 75 feet parallel to K Street -- abut a neighboring property (Lot 810) fronting on 11th Street.

3. The subject property is improved with four-story buildings on Lots 53 and 809, and a surface parking lot on Lots 4 and 5. The two buildings, both constructed around 1880 and now vacant, occupy approximately 30% of the subject property.

4. The Applicant proposes to develop the subject property with a hotel that will be 13 stories and 130 feet in height, containing approximately 69,330 square feet of gross floor area. The new building will contain 200 guest rooms on floors 3 through 13 as well as a hotel lobby, bar, lounge/library, exercise room, and two conference rooms. The cellar will contain a kitchen, storage space, and administrative and back-of-house hotel uses, including offices, mechanical utility rooms, a laundry room, and bathrooms. The Applicant will restore and retain a portion of the two existing four-story buildings, which will be devoted to restaurant and retail space on the first two floors and hotel rooms on the upper floors.

5. The Applicant does not propose to provide any off-street parking at the subject property. Under § 2101.1, the minimum zoning requirement for parking at the proposed development is one parking space for each four hotel rooms, plus one parking space for each additional 300 square feet of floor area in either the largest function room or the largest exhibition space, whichever is greater. The planned hotel project would require at least 64 parking spaces; that is, 50 spaces for the 200 rooms, nine spaces for the largest function room (2,770 square feet), and five spaces for the restaurant use.

6. The hotel was designed with smaller than average rooms (around 150 square feet) intended to appeal primarily to guests who are generally expected to stay one or two nights, to arrive in the District via intercity bus, rail, or air, and to travel to the subject property via public transportation or on-demand transportation such as taxi and Uber.

7. The subject property is located approximately four blocks from three Metrorail stations, Gallery Place-Chinatown, McPherson Square, and Metro Center. The site is also in close

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[2] The Applicant is in the process of seeking to close a portion of the public alley in Square 342, and to incorporate the relevant parcel as part of the subject property. The affected area is a north-south public alley, three feet wide, located between the parking lot and the buildings. (*See* Case No. S.O. 14-21629.)

proximity to several Metrobus and D.C. Circulator routes, Capital Bikeshare stations, and car-share facilities.

8. The Applicant anticipated that the hotel would have between 30 and 35 employees on site at any given time.

9. The Applicant's traffic analyst prepared a "comprehensive transportation review" in support of the application. The review included an evaluation of on-street parking, identified parking garages near the subject property where parking might be available if needed for guests, and proposed a transportation demand management ("TDM") plan to encourage the use of non-vehicular travel modes to and from the site. (Exhibits 37D, 50.) Elements of the proposed TDM plan include the Applicant's appointment of a transportation management coordinator to implement and manage TDM strategies; provision of on-site services to offer information and real-time updates for transportation options; implementation of a marketing program to provide information about the lack of on-site parking and the availability of off-street parking in nearby garages, and to promote alternatives such as bicycling, car sharing, and ride matching; and offers of transportation incentives for hotel employees and guests, including bicycle amenities, a ride-matching and ride-sharing program, and financial incentives to encourage non-auto transportation uses by employees.

10. The transportation management coordinator, as part of the TDM plan, "will be at the hotel to direct any vehicles that arrive at the front door to a nearby local garage" and "will coordinate with local overnight parking garages with whom the hotel operator has established a relationship to ensure that parking for the hotel users who decide to drive would be available," while also coordinating "valet parking operations for guests to facilitate off-site parking." The Applicant committed to leasing at least 10 parking spaces in nearby garages for use in conjunction with a curbside valet parking operation on K Street. The Applicant also obtained letters from the operators of two nearby parking garages indicating that those garages would have the capacity to accommodate any demand for off-street parking generated by the planned hotel. (Exhibit 50.)

11. The Applicant proposed to provide loading for the hotel by means of the public alley abutting the subject property. In accordance with § 2201.1, a hotel with 200 rooms must provide a loading berth at 30 feet deep, a loading platform at 100 square feet, and a service/delivery space at 20 feet deep. The Applicant plans to provide the required loading berth and platform but requested a variance from the requirement to provide the service/delivery space.

12. The proposed hotel would have two closed courts, one six feet wide by 12 feet long on the north façade, and one six feet wide by 64 feet, nine inches on the east side of the building. While the building is not required to provide any courts, the Zoning Regulations specify that if a closed court is provided at a building devoted to nonresidential use, the width of the court must be at least three inches per foot of height,

but not less than 12 feet. (11 DCMR § 776.1.) The area of a closed court must be at least twice the square of the width of the court based on the height of the court, but not less than 250 square feet. (11 DCMR § 776.2.)

13. Pursuant to § 774.1, a building on the subject property must provide a rear yard of at least 2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. The application proposes a rear yard six feet deep, where the minimum required depth would be 26.2 feet.

14. At the rear lot line, the subject property abuts an east-west public alley 12 feet wide. Another alley, running generally north-south and 11.75 feet wide, intersects with the 12-foot alley near the subject property, separating the subject property from an office building to the northeast and an apartment house to the northwest. Public easements previously established effectively expanded the width of both alleys to 20 feet. Both the office building and the apartment house are set back from their southern property lines, providing additional distance from the subject property.

15. Other properties abutting the subject property are improved with an eight-story building occupied by Hostelling International (Lot 810) and a two-story office building (Lot 3). Properties in the vicinity of the subject property are generally developed with apartment houses or office buildings, some with ground-floor commercial uses.

16. The subject property is located within the Downtown Development (DD) overlay zone and the C-3-C district. The C-3 district is designed to accommodate major business and employment centers supplementary to the Central Business (C-4) district, and is intended to provide substantial amounts of employment, housing, and mixed uses. (11 DCMR §§ 740.1, 740.2.) The C-3-C district permits medium-high density development, including office, retail, housing, and mixed-use development. (11 DCMR § 740.8.) Hotel use is permitted in C-3-C as a matter of right. (11 DCMR § 701.6.) Purposes of the DD overlay zone include to "help accomplish the land use and development policies of the Comprehensive Plan" in Downtown sectors, and specifically to create a balanced mixture of uses for critically important land uses including hotel use, among others, and to protect historic buildings while permitting sensitive and compatible new development. (11 DCMR §§ 1700.2, 1700.3.)

17. The Applicant agreed to implement the conditions requested by ANC 2C; that is to establish a pet-friendly building; to provide bicycle parking at the building, either as part of Capital Bikeshare or a bicycle parking stand; to be responsible for the maintenance and upkeep of the area adjacent to the building (including trees and flower boxes) in the 1000 block of K Street and the 1100 block of 11th Street; and to be responsible for the maintenance of the alley between 10th and 11th Streets including cleanliness, repair, maintenance, and security, and to ensure there is no unwanted loitering or soliciting in the alley. (Exhibits 35, 37.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the court requirements under § 776 and variances from the parking requirements under § 2101.1 and loading requirements under § 2201.1 to allow a new 13-story hotel, with cellar, in the DD/C-3-C district at 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809). The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6- 641.07(g)(3) (2012 Repl.)) to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (*See* 11 DCMR § 3103.2.)

Based on the findings of fact, the Board concludes that the application satisfies the requirements for variance relief in accordance with § 3103.2. The subject property is faced with an exceptional situation as a narrow and oddly configured parcel, partly improved with two buildings dating to the nineteenth century that the Applicant wishes to preserve and bounded on two sides by improved private property under different ownership. The configuration of the subject property, as well as the location of the existing buildings on the site, restrict the space available for courts and yards, or for a driveway or ramp to provide access to any on-site parking, loading facilities, egress stairs, and an exit corridor for trash pickup.

With respect to parking, the Board concludes that the strict application of the Zoning Regulations would create a practical difficulty since the small size and narrow, irregular configuration of the subject property precludes the provision of on-site parking. The alley frontage of the subject property is, at 50 feet, insufficient to allocate space for a driveway to access below-grade parking, since that expanse must also accommodate loading facilities, a rear egress corridor, and a ramp for trash removal. A parking ramp built at that location would eliminate a large portion of the building's ground floor otherwise devoted to loading, trash storage, and the hotel lobby, as well as space in the cellar. The Applicant projected that only five parking spaces could be provided on each below-grade level, due to the narrow dimensions of the subject property and the proposed location of building columns and core elements. The large number of below-grade levels needed to provide 64 parking spaces, the minimum requirement for zoning purposes, would make the hotel development cost-prohibitive.

With respect to loading, the Board concludes that the strict application of the Zoning Regulations would create a practical difficulty in providing the required service/delivery loading space, given the small size and narrow, irregular configuration of the subject property, particularly the rear alley access limited to 50 feet. Provision of the service/delivery loading space would interfere

with the location of the exit corridor and the entrance ramp into the building from the loading area, and would eliminate space proposed in the Applicant's design for the trash compactor and bicycle parking. Location of the trash compactor and bicycle parking areas further inside the ground floor of the building, so as to make space for the service/delivery loading area, would adversely affect the provision of the hotel lobby, elevators, and building core, and the configuration and location of the building's structural columns.

With respect to courts, the Board notes that the Applicant proposed to provide two courts at the hotel building to increase light and air available to adjacent buildings and to provide east-facing windows as well as a window for Room 17 on Floor 3 and the bank of rooms above it. However, the provision of courts consistent with the strict requirements of the Zoning Regulations would require a substantial reduction in the size of the planned hotel, resulting in the elimination of storage space, interference with core elements and column spacing, and a reduction in the width of the planned corridor, resulting in hotel rooms that would be too narrow to comply with code requirements for the size of bedrooms. Alternatively, without the planned court on the east side of the building, the windows in approximately 99 rooms would be rendered at-risk, making the hotel development practically difficult. The Board concludes that strict compliance with the zoning requirements applicable to closed courts would compromise the layout of the building's interior and reduce the number of feasible bedrooms, making hotel development practically difficult.

The Board does not find that approval of the requested variances would cause substantial detriment to the public good or would substantially impair the intent, purpose, and integrity of the zone plan. With respect to parking, the planned hotel is expected to cater to guests who generally will not require on-site parking, and agrees with OP that other aspects of the Applicant's proposal militate against the need for parking, such as the lack of a banquet facility at the hotel. The Department of Transportation found that the hotel development would result in an "overall relatively minor increase in vehicular trips," given the "robust network of pedestrian, bicycle, and transit infrastructure" in close proximity to the subject property, the nearby availability of street parking for short-term accommodation of vehicles as well as off-street parking facilities for longer-term needs, the provision of bicycle parking by the Applicant, and the Applicant's implementation of a transportation demand management plan "intended to further promote the use of non-auto travel options." (Exhibit 40.)

The Board was not persuaded by the party in opposition's arguments that the parking variance could not be granted without causing substantial detriment to the public good or substantial impairment of the intent, purpose, and integrity of the zone plan, particularly in conjunction with the requested rear yard relief. The party in opposition testified especially about the lack of on-street parking at present, and asserted that the hotel development would exacerbate the existing parking shortage. The Board does not agree with the party in opposition that the TDM measures will be ineffective in decreasing the number of vehicle trips generated by the hotel use, especially considering the type of guests likely to stay at the hotel, the lack of special function rooms such as a banquet facility, and the range of measures that the Applicant will implement as part of its TDM program, which the Board adopts in this order as conditions of approval of the

requested zoning relief. Nor does the Board agree that the parking variance would impair the intent of the zone plan; rather, parking relief will allow development of a matter-of-right use on a site now underutilized as a surface parking lot and containing vacant buildings, where on-site parking is not feasible due to the exceptional circumstances faced by the parcel.

With respect to loading, the Board accepts the conclusion reached by the Applicant's traffic study and OP that adequate loading facilities will be provided to serve the needs of the planned hotel. The Applicant anticipated approximately eight loading trips per day, made in trucks 30 feet long or smaller. Because the proposed hotel will not have a banquet hall or other large function spaces, the development at the subject property will not generate a demand for loading associated with major hotel events. DDOT noted that the Applicant was expected to comply with DDOT's standards, "the detailed design of which will be further addressed as part of the permitting process for this property." (Exhibit 40.) DDOT did not express any concern relating to the lack of a 20-foot service space at the planned hotel. With respect to the proposed closed courts, the Board notes the distance between the planned hotel and the existing buildings, and concurs with the conclusion of the Office of Planning that the courts will "allow the applicant to design the building with a double-loaded corridor, while still allowing for light and air into all guest rooms." (Exhibit 39.)

The Applicant also seeks a special exception from the rear yard requirements under § 774. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception 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, subject to specific conditions. (See 11 DCMR § 3104.1.)

Pursuant to § 774.2, the Board may waive the rear yard requirement applicable to the subject property in accordance with the requirements for special exception approval under § 3104 and provided that the standards in §§ 774.3 through 774.6 are met. Those standards require that apartment and office windows must be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants (§ 774.3); that in determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms must be sufficient to provide adequate light and privacy to the rooms (§ 774.4); and that the building plan must include provisions for adequate off-street service functions, including parking and loading areas and access points (§ 774.5).

As described in the Findings of Fact, the Board concludes that the windows in the planned hotel building will be separated from facing windows in nearby apartment and office buildings a distance sufficient to provide light and air and to protect the privacy of the occupants of all the affected buildings, and that the angle of sight lines and the distance of penetration of sight lines into habitable rooms will be sufficient to provide adequate light and privacy to the rooms. The distance will be provided by the existing alley system in the square, where the widths of the

public alleys have been augmented by easements, and by the setbacks of existing buildings to the north, so that the planned north-facing hotel windows at the rear of the subject property will be separated from the existing buildings across the alley at a distance sufficient to provide adequate light, air, and privacy for all building occupants. As demonstrated in the plans approved with the application, the proposed building was designed to limit the angle of sight lines and to maximize the distance of penetration of sight lines into habitable rooms. The Applicant minimized the number of principal windows that will overlook the rear alley, and those windows will be positioned so that privacy will be adequately protected. The rear yard relief will have little impact on the angle of sight lines due to the existing alleys and setbacks that separate the proposed building from the rear windows of the existing buildings to the north.

The party in opposition argued that the requested rear yard relief would not be appropriate in conjunction with approval of the requested parking variance, since one requirement for rear yard relief is a building plan that includes provisions for adequate off-street service functions, including parking and loading areas and access points (§ 774.5). The Board does not agree that parking relief should necessarily negate the potential for rear yard relief as well. As discussed above, the Board concludes that a parking variance is warranted under the circumstances. At the same time, the Applicant's proposal includes provisions for adequate off-street service functions in light of the nature of the planned hotel and the implementation of a TDM plan to discourage the need for on-site parking. Provisions for loading at the hotel will comply with zoning requirements, with the exception of the omission of a service/delivery space at 20 feet deep.

Approval of the requested rear yard relief 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. Approval of the rear yard relief will not adversely affect the use of any neighboring property, given the design of the planned hotel and its distance from existing buildings in the vicinity. Instead, the requested special exception will facilitate development of a matter-of-right use consistent with the purposes of both the DD overlay zone and the underlying C-3-C district.

The Board is required to give "great weight" to the recommendation of the Office of Planning. D.C. Official Code § 6-623.04 (2012 Repl.). In this case, as discussed above, the Board concurs with OP's recommendation of approval of the requested zoning relief.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. Section 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)). In this case ANC 2C voted unanimously in support of the application subject to conditions, which the Applicant has agreed to implement. The Board adopts in this order a condition requiring bicycle parking at the hotel; the remainder of the ANC's conditions were outside the purview of the Board as not germane to the requested zoning relief. The ANC did not express issues or concerns about the application other than in the proposed conditions.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for variances from court requirements under § 776, parking requirements under § 2101.1, and loading requirements under § 2201.1, as well as for a special exception from rear yard requirements under § 774, to allow a new 13-story hotel, with cellar, in the DD/C-3-C district at 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809), subject to the conditions adopted in this order. Accordingly, it is **ORDERED** that the application is **GRANTED**, **SUBJECT TO APPROVED PLANS AT EXHIBIT 37C, AND SUBJECT TO THE FOLLOWING CONDITIONS**:

1. **Transportation Management Coordinator ("TMC")**: The Applicant shall designate a member of the hotel operations as the TMC who will act as the primary point of contact and will be responsible for coordinating, implementing and monitoring the TDM program, as identified below. This responsibility shall include the development and distribution of information and promotional brochures to hotel guests, visitors, and employees regarding transit facilities and services, pedestrian and bicycle facilities and linkages, ridesharing (carpool and vanpool), and car sharing. The TMC shall also be responsible for ensuring the TDM plan's effectiveness, and improving upon it over time, if necessary. The contact information for the TMC shall be provided to DDOT/Zoning Enforcement with annual contact updates.

2. **On-Site Services**: The Applicant shall install a TransitScreen in the hotel lobby to provide hotel guests, visitors, and employees available transportation choices and provide real-time transportation updates. In addition, the Applicant shall make printed materials related to local transportation alternatives available to guests and employees upon request. These printed materials may include but are not limited to Metrorail and Metrobus maps and schedules, Capital Bikeshare maps, DC Circulator maps, and other non-auto services.

3. **Off-Site Services**: For the life of the project, the Applicant shall lease a minimum of ten parking spaces in a nearby parking garage for use by guests, visitors, or employees of the building.

4. **Marketing Program Generally**: The TMC shall establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit. This program shall consist of a multi-modal access guide that provides comprehensive transportation information compiled in a brochure for distribution and/or provided on hotel websites. The marketing program shall also include website links to CommuterConnections.com and goDCgo.com, which provide transportation information and options for getting around the District. Additionally, this marketing program shall promote smartphone apps to direct hotel guests and employees to useful commuting options such as Uber, RideScout, CapitolHop, Embark DC Metro, MyNextBus, and WMATA.com.

5. **Marketing Program for Hotel Guests**: With respect to hotel guests, the TDM

marketing program shall include a multi-level approach, as follows:

a. The Applicant shall inform hotel guests about parking and alternate modes of transportation at every step of the pre-reservation and reservation process, through check-in, including providing thorough information regarding transportation alternatives and parking information so that guests know what to expect when booking a reservation. Detailed transportation and parking information will be prominently displayed on:
   i. The hotel and restaurant websites;
   ii. Online Travel Agency ("OTA") websites;
   iii. Other online booking and informational websites with which the hotel and/or restaurant partners (including rating review websites);
   iv. Email booking confirmations;
   v. Email booking reminders;
   vi. Verbally via reservationists;
   vii. Printed brochure available for distribution; and
   viii. Hotel valet station.

   All information shall emphasize and encourage alternate modes given the hotel's convenient location near several Metrorail stations. These alternate modes shall include regional travel options such as Union Station and nearby airports and their connections to the hotel via commuter rail, Metrorail, intercity bus, taxi, Uber, and carshare. The website link will also provide off-site locations where hotel guests can find parking, in the event that they decide to drive.

b. Hotel confirmations shall contain notice to guests that no parking is available on-site and that the hotel encourages and emphasizes alternative modes. The reservation email shall provide the alternative transportation options and the locations of off-site parking facilities, in the event guests decide to drive, and the Applicant shall assist guests in planning ahead to use alternative methods of transportation.

6. **Curbside Coordination**:

a. **Doorman**: The Applicant shall designate a staff member to greet incoming hotel guests at the front door and curbside at the entrance of the hotel. This staff member will act as a doorman/curbside greeter who will be at the hotel to direct any vehicles that arrive at the front door to a nearby local garage, ensuring that no illegal parking or idling occurs in front of the building to impact traffic. In addition to the ten leased off-site parking spaces, the TMC shall coordinate with local overnight parking garages with whom the hotel operator has established a relationship to ensure that parking is available for the hotel users who decide to drive.

b. **Valet Service**: The Applicant shall designate a separate staff member to coordinate valet parking operations for guests to facilitate off-site parking. The Applicant shall implement the following valet plan, and shall continually adapt this plan in order to streamline the process based on continued experience at the subject property:

i. The Applicant shall locate signage at the front of the valet station stating that there is no parking at the subject property and that valet service is offered upon request. If guests choose to valet their vehicles, the valet shall transport the vehicles between the hotel entrance and the designated parking facility. The number of valets may be adjusted in order to achieve the most efficient and cost effective valet parking system.

ii. The valet shall provide guests with valet tickets that will instruct guests on how to retrieve their vehicle. This may include contacting the valet stand directly, contacting the hotel front desk, and/or the ability to request the vehicle via text and/or smartphone app. When guests are ready to access their vehicle, they will be able to contact the valet via these communications in order to accelerate the delivery of their vehicle to the valet staging area on their departure.

7. **Transportation Incentives**: To help encourage non-auto transportation uses, the Applicant shall provide, and the TMC shall coordinate, free daily Capital Bikeshare passes to hotel guests as a part of Capital Bikeshare's Bulk Membership program for hotels. These daily passes shall be available upon request for hotel guests for the life of the hotel project. The Applicant shall prominently display the Capital Bikeshare pass incentive on the various booking sources for the hotel.

8. **Bicycle Amenities**: The Applicant shall encourage all alternative transportation modes including bicycling. Bicycling shall be promoted for employees with the provision of secure on-site bicycle parking spaces as well as exterior temporary bicycle parking. The TDM marketing program shall include brochures and links to websites on bicycling in the District and for Capital Bikeshare.

9. **Ride-matching/Ridesharing Program**: The Applicant shall provide detailed carpooling information as part of the TDM marketing program and shall reference carpool matching services sponsored by the Metropolitan Washington Council of Governments ("MWCOG"). The Applicant shall introduce ridesharing to employees at orientation, and shall provide carpooling sign-in sheets in employee break areas to encourage employees to travel together to and from work should they be on the same route, live in surrounding neighborhoods, or prefer company in their vehicle. In addition, the Applicant shall actively work with MWCOG to promote carpooling among its employees.

10. **Hotel Employee Incentives**: To help encourage non-auto transportation use, the Applicant shall offer $75 per month as a non-auto transportation incentive for the first seven years that the building is open to each hotel employee to be used for one of the following:

    a. A SmarTrip card for Metrobus, DC Circulator or Metrorail usage,
    b. An annual Capital Bikeshare membership, or
    c. An annual car-share membership.

    Any additional costs in incurred by employees for commuting via transit will also be eligible for Federal Transit Benefits at up to $130/month that could be used to pay for transit to and from work on a tax-free basis. At the end of seven years, the Applicant shall reevaluate the incentive program for its effectiveness and determine if it should be continued or terminated.

11. **Reporting Requirements**: For the first three years that the hotel is open, the Applicant shall provide annually to the Office of Zoning, OP, DDOT, and ANC 2C an annual report that indicates the number of hotel guests and employees who drive to the Property, and how parking is handled (on-street, self-parked in a garage, valet, etc.).

VOTE: 4-0-1 (Lloyd J. Jordan, Marnique Y. Heath, Michael G. Turnbull, and Jeffrey L. Hinkle (by absentee vote) to APPROVE; Frederick L. Hill not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 29, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS

PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.