

Z.C. Case No. 18-22
Design Review Application of Brookfield Properties/Forest City SEFC, LLC
Parcel G in The Yards

DRAFT CONDITIONS (May 16, 2019)

1. **Project Development.** The Project shall be built in accordance with the plans and elevations dated May 16, 2019 and marked as Exhibit [22C] of the record (collectively, the “**Final Plans**”), and with zoning flexibility from the open court dimension requirements, subject to the following areas of flexibility:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Final Plans;
 - c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Final Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
 - d. To make refinements to the approved parking configuration, including layout and number of parking spaces plus or minus ten percent (10%);
 - e. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
 - f. To vary the final streetscaping and landscaping materials on private property as shown on the Final Plans based on availability and suitability at the time of construction, to incorporate materials consistent with adjacent public space (including both DDOT standard and DDOT-approved “Yards Standard” materials, furnishings, and fixtures), or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
 - g. To vary the amount, location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves a minimum GAR of 0.3 based on the area of Parcel G and provides a minimum of 2,300 square feet of roof area containing solar panels and related equipment;
 - h. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical,

or operational needs of the building uses or systems, so long as such changes do not substantially alter the exterior dimensions shown on the Final Plans and remain compliant with all applicable penthouse setback requirements;

- i. To vary the final design and layout of the indoor and outdoor amenity spaces to reflect their final design and programming;
 - j. To vary the final design of the ground floor frontage, including the number, size, design, and location of windows and entrances, signage, awnings, canopies, and similar storefront design features, to accommodate the needs of the specific tenants within the parameters set forth in the Storefront and Signage Plans; and
 - k. To vary the design of the surface parking lot remaining on Parcel F in accordance with the plan submitted as Exhibit 19D.
2. **Ground Floor Uses.** The Applicant shall have flexibility to change the use of the space identified as “Retail” or “Retail/Office Flex” in the Final Plans to any use allowed among (i) the “Preferred Uses” in the SEFC-1A zone with respect to the space(s) fronting along N Street, SE, and (ii) either “Preferred Uses” or office uses in the SEFC-1A zone with respect to the space(s) along New Jersey Avenue, SE, 1½ Street, and/or Quander Street, SE.
3. **LEED.** The Project shall achieve certification from the U.S. Green Building Council at the level of LEED Gold v4, provided that the Applicant shall have the flexibility to vary the approved sustainable features of the Project as long as the total number of LEED points achievable for the Project does not decrease below the minimum required for the foregoing LEED standard.
4. **EV Charging Stations.** For the life of the Project, the Applicant shall provide no fewer than three (3) electric vehicle charging stations in the Project’s below-grade garage.
5. **Penthouse Affordable Housing Contribution.** The Applicant shall contribute to the housing trust fund an amount equal to one-half the assessed value of the proposed penthouse habitable space associated with the Project, based on the assessed value of Parcel G only. Consistent with 11-C DCMR Section 1505.16, not less than one-half of the contribution shall be made prior to the issuance of a building permit, and the balance of the contribution shall be made prior to the issuance of a certificate of occupancy.
6. **Loading Management Plan.** For the life of the Project, the Applicant shall adhere to the following loading management plan measures:
- a. Designate a loading dock manager who will be responsible for coordinating with vendors and tenants to schedule deliveries and who will be on duty during delivery hours;
 - b. Require all retail and office tenants to schedule any deliveries that utilize the loading docks (defined here as any loading operation conducted using a truck 20 feet in length or larger);

- c. Require the dock manager(s) to schedule deliveries for trucks using the loading berths such that the dock's capacity is not exceeded, and in the event that an unscheduled delivery vehicle arrives while the dock is full, direct that driver to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock;
 - d. Require the dock manager(s) to monitor inbound truck maneuvers and ensure that trucks accessing the loading dock do not block vehicular traffic except during those times when a truck is actively entering the loading facilities;
 - e. Prohibit trucks using the loading dock from idling and direct compliance with all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System; and
 - f. Assign the dock manager(s) the responsibility for disseminating suggested truck routing maps to the Project's tenants and to drivers from delivery services that frequently utilize the loading dock and for distributing flyer materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager(s) will also post these documents in a prominent location within the service area.
7. **Transportation Demand Management Measures.** For the life of the Project, the Applicant shall adhere to the following TDM plan measures:
- a. Identify and share with DDOT and goDCgo (info@godcgo.com) the full contact information for the Project's TDM Leader (for planning, construction, and operations) who will distribute and market to tenants of the building various transportation alternatives and options, to act as a point of contact with DDOT/Zoning Enforcement with annual updates;
 - b. Provide TDM materials to new tenants of the building in any "welcome" materials and post all TDM commitments online for tenant reference;
 - c. Provide the Project's TDM Leaders' contact information to DDOT and goDCgo (info@godcgo.com) and report TDM efforts and amenities to goDCgo staff once per year;
 - d. Provide website links to CommuterConnections.com and godcgo.com on property websites;
 - e. Provide for the Project's TDM Leaders to receive TDM training from goDCgo to learn about the TDM conditions for the Project and available options for implementing the TDM plan;

- f. Notify goDCgo each time a new office tenant occupying a full floor or more of the Project moves into the Project and provide TDM information to each such new tenant;
- g. Post “getting here” information in a visible and prominent location on the website for the Project’s retail component, which information shall feature non-automotive travel modes and shall provide links to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers discouraging parking on-street in Residential Permit Parking zones;
- h. Require the TDM Leader to distribute information on the “Commuter Connections Guaranteed Ride Home” program, which provides commuters who regularly carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency;
- i. Implement or require office tenants within the building to implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
- j. Provide tenants with employees who wish to carpool detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
- k. Require tenants with 20 or more employees to comply with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service);
- l. Install a Transportation Information Center Display (electronic screen) within the Project’s office lobby, which Display shall contain information related to local transportation alternatives;
- m. Work with the Capitol Riverfront BID’s marketing efforts targeting the SE and SW quadrants of the District, which marketing efforts shall include installing posters in bus shelter map cases, transit oriented promotional materials, and special transit maps in Navy Yard area;
- n. Provide, at no charge to and for use by any tenant of the building or employee thereof, no fewer than 86 long-term bicycle parking spaces in the Project with room to accommodate non-traditional sized bikes including cargo and tandem bikes;
- o. Provide no fewer than six (6) showers and fifty (50) lockers for tenant of the building or employee thereof;
- p. Provide no fewer than 12 short-term bicycle parking spaces along 1½ Street and/or N Street SE;

- q. Provide a bicycle repair station in the secure long-term bicycle storage room;
 - r. Price all parking in the Project at market rates, at minimum, where “market rates” are the average cost for parking at a 0.25 mile radius from the site;
 - s. Unbundle the cost of parking from the cost to lease an office unit;
 - t. Refrain from leasing unused parking spaces to anyone aside from tenants of the building unless there is an agreement in place in which no parking is provided at the other property;
 - u. Designate a minimum of four (4) preferential carpooling spaces and four (4) preferential vanpooling spaces in a convenient location within the parking garage for employee use; and
 - v. Require any office tenant occupying seventy-five percent (75%) or more of the office space in the Project to participate in the Capital Bikeshare corporate membership program and offer discounted annual memberships to employees.
8. The application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in 11-Z DCMR § 702.2. Construction must begin within three years after the effective date of this Order. (11-Z DCMR § 702.3.)
9. 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.