

ZONING COMMISSION CASE NO 05-23
APPLICANT'S PROPOSED CONDITIONS OF ZONING
COMMISSION APPROVAL

- 1) The Applicant will make the financial contributions outlined in the Community Amenities package, as submitted on June 23, 2006 as Exhibit 19 of the record, prior to the issuance of a building permit for the first residential building on the Subject Property.
- 2) The Applicant will abide by the Development and Construction Management Plan, as submitted on June 23, 2006 as Exhibit 19 of the record.
- 3) The project will include parking spaces for a car sharing service such as Zip Car or Flex Car.
- 4) No through-wall HVAC systems will be permitted in any of the buildings and no EIFS will be used on any of the buildings.
- 5) Retail awnings may be canvas or similar non-rubberized cloth material, glass or metal. Vinyl, or other plastic-like sheeting is not acceptable. Awning surfaces may be any color or pattern. Signage and logos may be placed horizontally in the sign box at the front edge of the canopy. Lettering and logos may not be placed on sides, tops or sloping surfaces of the awnings.
- 6) The project will include 59,150 square feet of gross floor area available for sale as affordable units to households having an income not exceeding 80% of Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for family size), and consistent with the eligibility requirements and enforcement mechanisms enumerated in Exhibit C of Exhibit 13 of the record of this case. To the extent that minor modifications are needed in the execution of this program to conform to District or Federal housing programs, the applicant will work with the Department of Housing and Community Development ("DHCD") to make such changes comply with the same.
- 7) The PUD shall be valid for a period of two years from the effective date of Zoning Commission Order No. 05-23. Within such time, an application must be filed for a building permit for the construction of the extended Q Street through the property and one of the four residential buildings as specified in 11 DCMR Section 2409.1; the filing of the building permit application will vest the Zoning Commission Order. An application for the final building permit completing the development of the approved PUD project must be filed within seven (7) years of the issuance of the final certificate of occupancy for the first building.
- 8) The Applicant agrees to enter into an agreement with DDOT and the District Office of Partnerships and Grants Development (OPGD), regarding the Applicant's construction of the connection to the Metropolitan Branch Trail and DDOT's ownership.

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maintenance of the connection as part of the Metropolitan Branch Trail. The proposed construction of the connection to the Metropolitan Branch Trail will occur concurrently with the construction of the first residential building.

- 9) The Applicant will require those organizations receiving a monetary contribution to present evidence to the Office of Zoning's Compliance Review Manager demonstrating that the money has been applied to the designated use within six months of receiving the contribution. If the money has not been applied to the designated use within six months, the recipient must provide a reasonable explanation to the Office of Zoning's Compliance Review Manager as to why not and must present evidence to the Office of Zoning's Compliance Review Manager within one year indicating that the contribution has been properly allocated.
- 10) The Applicant shall enter into a Memorandum of Understanding with the Office of Local Business Development in substantial conformance with the Memorandum of Understanding submitted as Exhibit F of Exhibit 13 of the record.
- 11) The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services in substantial conformance with the First Source Agreement submitted as Exhibit F of Exhibit 13 of the record.
- 12) The Applicant shall have flexibility with the design of the PUD in the following areas:
 - To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures;
 - To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction; and
 - To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit.