

ZONING COMMISSION CASE NO 05-38
APPLICANT'S PROPOSED CONDITIONS OF ZONING
COMMISSION APPROVAL

- 1) The Applicant will make the financial contributions as submitted in the record on February 28, 2007, and as outlined below, prior to the issuance of a building permit for the new south building:
 - Jefferson Junior High School
The Applicant will make a financial contribution of \$17,000 to Jefferson Junior High School to be used for enhancement of the school's computer and technological development capabilities.
 - Amidon Elementary School
The Applicant will make a financial contribution of \$17,000 to Amidon Elementary School to be used to renovate the school's library.
 - Bowen Elementary School
The Applicant will make a financial contribution of \$17,000 to Bowen Elementary School to be put toward technological advancements, including computers and Smart Boards.
 - Friends of the Southwest Library
The Applicant will make a financial contribution of \$15,000 to the Friends of the Southwest Library to be used to expand their resource collection.
 - Study of the Potential Renovation of the Town Center West Park
The Applicant will engage the original designers of this park (Wallace Roberts Todd) to assess the current condition of the park and recommend steps to utilize the park as a true community amenity at a cost of \$15,000.
- 2) The Commission 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.
- 3) The Applicant will establish a condominium discount purchase program whereby existing Marina View Towers tenants may purchase a condominium at a discount of approximately \$100 per square foot.

- 4) The Applicant will establish a program providing existing Marina View Towers tenants the opportunity to rent a newly renovated apartment in the project at no additional cost. The monthly rental rate for the tenant will remain the same provided the tenant chooses to stay in a similarly sized unit.
- 5) The Applicant shall establish a transportation demand management program that will include the following:
 - Coordination with a local car-sharing vehicle service to reserve five parking spaces for residents and visitors of this project;
 - Provide a one-time membership fee subsidy of \$35 per residential unit for residents to join a local car-sharing service;
 - Providing all new residents, upon move-in, a complimentary SmartTrip card with \$20 Metro fare to encourage the use of mass transit;
 - Providing an on-site business center to provide residents access to a copier, facsimile machine, and internet services;
 - Providing a secure bicycle storage space for each residential unit; and
 - Designating a member of building management as a point of contact who is responsible for coordinating and implementing transportation demand management incentives.
- 6) The Applicant will preserve the historically and architecturally significant I.M. Pei Towers, and will renovate the exterior of the I.M. Pei buildings, including the replacement of exterior glass walls and windows with insulated glass panels and windows in the same geometric configuration, repairing exposed concrete, and expanding the lobbies in each structure.
- 7) The Applicant will use the landscape firm known as Zion Breen & Richardson to renovate and update its original landscape plan to accommodate the new project, to design two new 'vest pocket' parks located between the existing Pei buildings and the Applicant's proposed residential buildings, and a new linear public garden flanking 6th Street between the Pei buildings.
- 8) The Applicant will coordinate its design for a shared drive in the rear of the property with the adjacent property owners. The Applicant and the adjacent property owner will create reciprocal easement agreements that will ensure that the mid-block pedestrian connections between the properties will remain open and accessible to the general public. The Applicant will provide the Zoning Commission with evidence of a recorded easement prior to the issuance of a Certificate of Occupancy for any units in the new south building.

- 9) The Applicant will provide public access through the site in designated areas to accommodate pedestrian/bicycle traffic between Sixth Street and the Southeastern University Metro station.
- 10) The Applicant will abide by the Development and Construction Management Plan, as submitted on January 26, 2007, as Exhibit 32 of the record. This Development and Construction Management Plan includes a pest control program to ensure that no increase in pest activity occurs during the period of construction activity on the Property.
- 11) The project will reserve 11,541 square feet of gross floor 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 G of Exhibit 26 of the record. 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.
- 12) The PUD shall be valid for a period of two years from the effective date of Zoning Commission Order No. 05-38. Within such time, an application must be filed for a building permit for the construction or renovation of one of the residential buildings as specified in 11 DCMR Sections 2404.8 and 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.
- 13) 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 I of Exhibit 26 of the record.
- 14) 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 I of Exhibit 26 of the record.
- 15) The Applicant shall have flexibility with the design of the PUD in the following areas:
 - o 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;
 - o 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.