

EXHIBIT A

PROPOSED CONDITIONS OF APPROVAL FOR BZA CASE NO. 21010

- A. The zoning relief approved in this order is contingent upon the Zoning Commission's issuance of and the effectiveness of a written order amending the Zoning Map for the Property from the PDR-1 zone to the MU-8B zone [i.e., pursuant to the Zoning Map amendment application approved in Z.C. Case No. 24-04 by final action on September 12, 2024].
- B. The Applicant shall implement the Transportation Demand Management ("TDM") plan proposed in the Comprehensive Transportation Review dated October 27, 2023 (Exhibit 13A) for the life of the project, unless otherwise noted.

For any retail use in the Project, the Applicant shall:

1. Following the issuance of the first final retail Certificate of Occupancy for the Project, identify a Transportation Coordinator for each retail tenant and one for the entire Project. The Transportation Coordinator(s) will act as point(s) of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo.
2. Require its retail and Project Transportation Coordinator(s) to conduct an annual commuter survey of employees on-site, and to report TDM activities and data collection efforts to goDCgo once per year.
3. Require its retail and Project Transportation Coordinator(s) to develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the Project website and in any internal building newsletters or communications.
4. Require its retail and Project Transportation Coordinator(s) to receive TDM training from goDCgo to learn about the transportation conditions for this Project and available options for implementing the TDM Plan.
5. Post "getting here" information in a visible and prominent location on the Project's website with a focus on non-automotive travel modes together with links to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in Residential Permit Parking ("RPP") zones.
6. Require retail tenants with 20 or more employees to comply with the DC Commuter Benefits Law by participating in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other applicable commuter benefits related laws that may be implemented in the future such as the Parking Cash-Out Law, and to certify such compliance in writing to goDCgo from time to time (but no more than once annually).
7. Provide retail tenant employees who wish to carpool with 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.

8. Provide a copy of the Project’s Loading Management Plan (“LMP”) to the retail and Project Transportation Coordinator(s) so that each is aware of the LMP commitment.
9. Offer a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to each new employee of the Project.
10. Provide at least ten (10) short- and eight (8) long-term bicycle parking spaces, meeting or exceeding the minimum requirements of the Zoning Regulations for retail use.
11. Provide at least two (2) showers and four (4) lockers for use by employees, meeting or exceeding the minimum requirements of the Zoning Regulations for non-residential uses.
12. Ensure the Project’s long-term bicycle storage accommodates non-traditional sized bikes including cargo, tandem, and kids’ bikes, with a minimum of two (2) spaces designed for longer cargo/tandem bikes (10 feet by 3 feet), a minimum of one (1) space designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of four (4) spaces located horizontally on the floor. The Applicant may not charge a fee to employees for usage of the bicycle storage room.
13. Following the issuance of the first final retail Certificate of Occupancy for the Project, require the Transportation Coordinator(s) to submit documentation summarizing compliance with the transportation and TDM conditions of this Order applicable to such retail use (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.
14. Following the issuance of the first final retail Certificate of Occupancy for the Project, require the Transportation Coordinator(s) to submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the Applicant shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.
15. Install a Transportation Information Center Display (electronic screen) within the Project’s lobby containing information related to local transportation alternatives. At a minimum the display should include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles.
16. Provide a bicycle repair station in the Project’s long-term bicycle parking storage room(s).

For any hotel use in the Project, the Applicant shall:

17. Following the issuance of the first final hotel Certificate of Occupancy for the Project, identify a Transportation Coordinator for the Project's hotel user and one for the entire Project. The Transportation Coordinator(s) will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo.
18. Require its hotel and Project Transportation Coordinator(s) to conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year.
19. Require its hotel and Project Transportation Coordinator to develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the Project website and in any internal building newsletters or communications.
20. Require its hotel and Project Transportation Coordinator to subscribe to goDCgo's hospitality newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this Project and available options for implementing the TDM Plan.
21. Require front office and customer-facing staff to undergo training by goDCgo (either in-person or webinar) to learn of the non-automotive options for traveling to the Project.
22. Offer guests goDCgo's "Get Around Guide" by making it available on the Project website and in printed format for front office or customer-facing staff.
23. Provide a copy of the Project's LMP to the hotel and Project Transportation Coordinator(s) so that each is aware of this commitment.
24. Provide at least ten (10) short- and eight (8) long-term bicycle parking spaces, meeting or exceeding the minimum requirements of the Zoning Regulations for hotel use.
25. Provide at least two (2) showers and four (4) lockers for use by employees, meeting or exceeding the minimum requirements of the Zoning Regulations for non-residential uses.
26. Ensure the Project's long-term bicycle storage accommodates non-traditional sized bikes including cargo, tandem, and kids' bikes, with a minimum of two (2) spaces designed for longer cargo/tandem bikes (10 feet by 3 feet), a minimum of one (1) space designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of four (4) spaces located horizontally on the floor. The Applicant may not charge a fee to employees for usage of the bicycle storage room.
27. Post "getting here" information in a visible and prominent location on the Project's website with a focus on non-automotive travel modes together with links to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons and employees discouraging use of on-street parking in RPP zones.

28. Provide comprehensive transportation information and directions on the Project's hotel website, including promoting the use of nonautomotive modes of transportation and links to website for goDCgo, Capital Bikeshare, DC Circulator, and the Washington Metropolitan Area Transit Authority (WMATA).
 29. Require that any hotel operator with 20 or more employees to comply with the DC Commuter Benefits Law by participating in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other applicable commuter benefits related laws that may be implemented in the future such as the Parking Cash-Out Law, and to certify such compliance in writing to goDCgo from time to time (but no more than once annually).
 30. Provide hotel employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by MWCOG or other comparable service if MWCOG does not offer this in the future.
 31. Following the issuance of the first final hotel Certificate of Occupancy for the Project, require the hotel Transportation Coordinator to submit documentation summarizing compliance with the transportation and TDM conditions of the Order applicable to such hotel use (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.
 32. Following the issuance of the first final hotel Certificate of Occupancy for the Project, require the hotel Transportation Coordinator to submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.
 33. Install a Transportation Information Center Display (electronic screen) within the Project's lobby containing information related to local transportation alternatives. At a minimum the display should include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles.
 34. Provide a bicycle repair station in the Project's long-term bicycle parking storage room(s).
- C. The Applicant shall implement the LMP proposed in the Comprehensive Transportation Review dated October 27, 2023 (Exhibit 13A) for the life of the project, unless otherwise noted, as follows:
1. Designate a loading manager who will be on duty during delivery hours. The loading manager will be responsible for coordinating with Project vendors and tenants to schedule deliveries and will work with the community and neighbors to resolve any conflicts should they arise.

2. Require all Project tenants to schedule deliveries utilizing the loading area only.
 3. Require the loading manager to schedule deliveries such that the Project's loading area's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the loading area or relevant loading berth is full, the driver of the unscheduled delivery will be directed to return at a later time when the berth will be available so as to not compromise safety or impede alley functionality.
 4. Require the loading manager to monitor inbound and outbound truck maneuvers so that trucks accessing the loading area do not block vehicular, bicycle, or pedestrian traffic along the alley to the rear of the Project except during those times when a truck is actively entering or exiting a loading berth.
 5. Monitor service vehicle and truck traffic interfacing with the alley traffic during peak periods and take management measures if necessary to reduce conflicts between truck and vehicular movements.
 6. Require the loading manager to monitor the timing of deliveries to the Project to see if any adjustments need to be made so any conflicts with the loading activities are minimized.
 7. Prohibit trucks using the Project's loading area from idling and require such trucks to follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godcgo.com/freight).
 8. Require the loading manager (a) to distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure and others from DDOT and goDCgo, to drivers as needed to encourage compliance with idling laws and (b) to post these materials and other relevant notices in a prominent location within the Project's loading area.
 9. Require the loading manager to be responsible for disseminating suggested truck routing maps to the Project's tenants and to drivers from delivery services that frequently utilize the Project's loading area as well as notifying all drivers of any access or egress restrictions.
- D. For the life of the Project, the Applicant shall comply with the following conditions regarding the use of the Project's penthouse for any eating and drinking establishment use as proposed by the Applicant in the letter dated July 19, 2024 (Exhibit 23):
1. All outdoor dining and/or bar activities associated with any eating and drinking establishment on the penthouse of the Project shall be situated only on a terrace fronting on 5th Street, N.E.
 2. During the hours of 10:00 p.m. to 8:00 a.m., no outdoor amplified music shall be permitted on such terrace or any other rooftop outdoor space(s) of the Project, and during the hours of 8:00 a.m. to 10:00 p.m. outdoor amplified music shall be permitted on such terrace or other rooftop outdoor space(s), provided that such outdoor amplified music shall not exceed 65 db(A) when measured at the Property line.

3. During the hours of operation of any eating and drinking establishment use located inside the Project's penthouse, indoor amplified music shall be permitted, provided such indoor amplified shall not exceed 65 db(A) when measured at the Property line.
4. The hours of operation for eating and drinking services on such terrace shall end not later than: Sunday at 10:00 p.m.; Monday through Thursday (inclusive) at 11:00 p.m.; and Friday and Saturday at 12:00 a.m., provided, that the hours of operation for eating and drinking use and services on such outdoor terrace may commence in the morning as permitted by applicable laws and regulations.
5. All exterior lighting serving the eating and drinking services on such terrace or any other outdoor space(s) on the penthouse level of the Project shall be shielded and pointed downward except to the extent required by applicable life safety codes or other applicable laws or regulations.

[End of Exhibit A]