

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia ORDERS APPROVAL of the application for a modification to the approved PUD.

1. The PUD shall be developed in accordance with the Architectural Plans and Elevations (the “Plans”) marked as Exhibits 24A1-5 in Z.C. Case No. 05-38B, as modified by the supplemental sheets marked as Exhibit 31 in Z.C. Case No. 05-38B, and as modified by the guidelines, conditions and standards of this Order.
2. Prior to the issuance of a certificate of occupancy for the south Residential Tower, the Applicant shall submit to the Department of Consumer and Regulatory Affairs (“DCRA”) evidence that the Applicant has made contributions to the following community organizations. The Applicant shall provide proof to the Zoning Administrator that the items or services funded have been or are being provided in order to obtain the building permit.
 - a. Jefferson Middle School: The Applicant shall make a financial contribution of \$22,000 to Jefferson Middle School to be used for enhancement of the school’s computer and technological development capabilities.
 - b. Amidon Elementary School: The Applicant shall make a financial contribution of \$22,000 to Amidon Elementary School for renovation of its library.
 - c. Friends of the Southwest Library: The Applicant shall make a financial contribution of \$22,000 to the Friends of the Southwest Library to be used to expand their resource collection.
 - d. Payment for Renovation of the Town Center West Park: The Applicant shall pay Wallace Roberts Todd (“WRT”) or another landscape architecture firm selected by the Applicant to undertake the renovations for the Town Center West Park outlined in the WRT Study, included at Exhibit 33 of Z.C. Case No. 05-38B, up to a value of \$250,000 (\$178,500 for the proposed work with contingency funds of up to \$71,500).
3. Transportation Demand Management:
 - a. Prior to the issuance of a certificate of occupancy for the south Residential Tower, and for the life of the project, the Applicant shall establish the following a transportation demand management (“TDM”) measures:
 - i. unbundle on-site parking from the costs of leasing apartments, and priced at market rates at minimum, defined as the average cost for parking in a quarter-mile radius of the site;

- ii. install a transit information screen in the residential lobby of the north and south Residential Tower;
 - iii. provide 248 long-term bicycle parking spaces with 124 spaces located in the garage of each new residential tower;
 - iv. provide at least eight short-term bicycle parking stations in the public space adjacent to the site on either M, 6th, or K Streets; and
 - v. install one electric car charging station in each of the Residential Towers.
 - b. At the time of initial move-in and for the first three years that the north and south Residential Towers are open, the Applicant shall offer either a one year Capital Bikeshare membership or a one year car-share membership to all new residents of the north and south Residential Towers.
4. The PUD shall be developed in accordance with the Landscape Plans included as Sheets L10-18 of Exhibit 24A2 in Z.C. Case No. 05-38B, as modified by the guidelines, conditions and standards of this Order.
 5. For the life of the project, the Applicant shall provide vehicular access to the Pei Towers and the north and south Residential Towers pursuant to the Declaration of Permanent Easements and Covenants, dated August 17, 2011, and recorded in the Land Records of the District of Columbia as Document No. 20110866041, as may be amended or modified by the parties.
 6. The Applicant shall abide by the development and construction management plan included at Exhibit 32 in Z.C. Case No. 05-38.
 7. Affordable Housing –
 - a. North and South Residential Towers: For the life of the project, and as required by Chapter 26 of the Zoning Regulations, a minimum of 6,302 square feet of gross floor area shall be distributed between the north and south Residential Towers and shall be set aside for eligible moderate income households earning up to 80% of the area medium income (“AMI”).
 - b. Pei Towers: A minimum of 10,735 square feet of gross floor area shall be set aside as affordable housing in compliance with the controls already in place for the Pei Towers, as set forth in Exhibit 26G of Z.C. Case No. 05-38.
 8. The PUD as modified shall be valid for a period of two years from the effective date of Z.C. Order No. 05-38B. Within such time, an application must be filed for a building

permit for the construction of the south Residential Tower, as specified in 11 DCMR § 2409.1. Construction of the project must commence within three years of the effective date of Zoning Commission Order No. 05-38B.

9. Prior to the issuance of a building permit for the south Residential Tower, the Applicant shall submit to DCRA evidence that the Applicant submitted a signed Memorandum of Understanding (“MOU”) to the D.C. Department of Small and Local Business Development, and in substantial conformance with the MOU submitted at Exhibit 26I in Z.C. Case No. 05-38.
10. Prior to the issuance of a building permit for the south Residential Tower, the Applicant shall submit to DCRA evidence that the Applicant submitted a signed First Source Employment Agreement to the Department of Employment Services (“DOES”), and in substantial conformance with the First Source Employment Agreement submitted at Exhibit 26I in Z.C. Case No. 05-38.
11. The north and south Residential Towers shall be designed to include no less than the 50 points necessary to be the equivalent of a LEED Silver designation, as shown on the theoretical LEED score sheet submitted with the Plans (Exhibit 24A5). The Applicant shall put forth its best efforts to design the buildings to satisfy such LEED standards, but the Applicant shall not be required to register or to obtain a certification from the United States Green Building Council.
12. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - i. To be able to provide a range in the number of residential units of plus or minus 10%;
 - ii. To vary the number, location, and arrangement of parking spaces and the number of parking garage levels, provided that the total number of parking spaces is not reduced below the minimum number required by the Zoning Regulations;
 - iii. To vary the sustainable design features of the buildings, provided the total number of LEED points achievable does not decrease below 50 points (LEED Silver equivalent) under the LEED 2009 for New Construction and Major Renovations rating system;
 - iv. 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;

- v. 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 without reducing the quality of the materials;
- vi. 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; and
- vii. To vary the number and location of exterior doors at street level.

13. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

14. The change of zoning from the R-5-D District to the C-3-C District shall be effective upon the recordation of the covenant discussed in Condition No. 13 of this Order, pursuant to 11 DCMR § 3028.9.

15. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.