

**ZONING COMMISSION CASE NO. 07-13G**

**PROPOSED CONDITIONS OF APPROVAL**

**A. Project Development**

1. The PUD shall be developed in accordance with the plans and materials submitted by the Applicant, dated March 8, 2018 and marked as Exhibit 22B of the record, as supplemented by Exhibit \_\_ (“Plans”), and as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the Plans, the project shall be developed as a mixed-use project as follows, with a maximum density of 4.25 FAR (“Project”):
  - a. The east and center wings of the historic building shall include approximately 31,389 square feet of gross floor area devoted to museum and ancillary retail and event uses.
  - b. The west wing of the historic building shall include approximately 18,602 square feet of gross floor area devoted to uses in the office, institutional, and arts/design/creation use categories.
  - c. The residential building shall include approximately 489 units. The ground floor of the east wing of the residential building shall be used for either residential uses or for uses in the retail, service, eating/drinking establishment, and arts/design/creation use categories, as shown on pages A09 – A10 of the Plans.
3. The PUD shall be constructed to a maximum height of 110 feet as shown on the Plans. Roof structures shall be permitted to exceed the building height by a maximum of 20 feet as shown on the Plans.
4. The PUD shall provide a minimum of 249 parking spaces as shown on the Plans. Loading facilities shall be provided as shown on the Plans.
5. The Applicant shall have flexibility with the design of the PUD in the following areas:
  - 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 final selection of 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 exterior details and dimensions, including without limitation to sills, bases, mullions, coping, railings and trim, or any other changes: (1) to comply with Construction Codes that are otherwise necessary to obtain a final building permit, (2) to comport with final design comments from District historic preservation officials, or (3) to address the structural, mechanical, or operational needs of the building uses or systems that do not significantly alter the exterior design as shown on the plans.
- d. To vary the final number of residential units plus or minus 10%, and accordingly adjust the number and location of affordable units to reflect the final unit mix of the Project, provided that the distribution of affordable units by floor shall remain consistent with the plans;
- e. To vary the final number of parking spaces between 249 and 275 parking spaces;
- f. To vary the final streetscape design and materials in the public right-of-way, in response to direction received from District public space permitting authorities;
- g. To vary the final landscaping materials of the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
- h. To vary the location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements;
- i. To implement the alternate ground floor plan shown on page A10 of the Plans, which will allow for the conversion of residential units to commercial retail / service / restaurant uses.

6. The Applicant shall have the option to construct the Project in phases, as shown on the Plans, as follows:
  - a. Phase I shall include the renovation of the historic school, the delivery of the art museum, the underground parking, the proposed courtyard, the east wing of the residential building, and the perimeter improvements around the entire PUD site, all as shown on page A41 of the Plans (“Phase I”), and Phase II shall include the west wing of the residential building (“Phase II”); and
  - b. The Applicant shall improve the temporary exposed west façade of the Phase I residential building as shown on page A42 of the Plans with a mural or other artwork as shown on the precedent image, and the Applicant shall be permitted to enclose the Phase II site with a security perimeter fence as shown on the precedent image on Page A41 of the Plans.

**B. Public Benefits**

1. Housing and Affordable Housing.
  - a. The Applicant shall provide approximately 441,110 square feet of gross floor area to be devoted to residential uses, which shall include a minimum of approximately 19 two-story “townhouse” style units as shown on the Plans.
  - b. For the life of the Project, the Applicant shall set aside a minimum of twenty percent (20%) of the residential gross floor area, or approximately 88,222 square feet of gross floor area, as Inclusionary Zoning Units in accordance with Subtitle C of the Zoning Regulations, except that pursuant to Z.C. Order No. 07-13, such units shall be set aside for households earning up to eighty percent (80%) of the Median Family Income, with preferences for residents of ANC 6D to the extent permitted by law. In addition, the Applicant shall ensure that a minimum of 20% of each of the two-bedroom and “townhouse” units are set aside as inclusionary zoning units.
2. Museum. The Applicant shall provide approximately 31,839 square feet of gross floor area of the PUD for museum uses, as shown on the Plans.
3. Courtyard. The courtyard will be open to the public from 8:00 AM to 5:00 PM, Monday through Friday.
4. Public Space Improvements. If approved by DDOT, prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has provided public space improvements as shown

on the Plans, extending the length of the Project's I Street and H Street frontage. Subject to approval by DDOT, the improvements shall include the missing curb ramp on the southeast corner of I Street and Half Street SW, if such ramp has not yet been constructed.

5. Private Space Improvements and Public Access Easement. Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has provided streetscape and roadway improvements as shown on the Plans, extending the length of the Project's 1<sup>st</sup> Street and H Street frontage, and recorded an easement that grants public pedestrian and vehicular access along the private portions of 1<sup>st</sup> Street and H Street within the PUD site.
6. Randall Recreation Center Drop-off/Turn-Around. If approved by the District and the Department of Parks and Recreation, prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has created a vehicular drop-off and turn-around point to serve both the Randall Recreation Center and the east portion of the PUD, as shown on the Plans.
7. Sustainability.
  - a. Prior to the issuance of a certificate of occupancy for the residential portion of the Project, the Applicant shall provide the Zoning Administrator with evidence that the residential portion of the Project is on track to secure LEED-Gold certification or higher from the U.S. Green Building Council under the LEED v.4 rating system. Within 12 months after the issuance of such certificate of occupancy, the Applicant shall submit evidence to the Zoning Administrator that it has secured such LEED-Gold certification. In the event that the residential portion of the Project is phased pursuant to Condition A.6, compliance with this condition shall be evaluated based on the residential building as a whole, and the Applicant shall not be required to submit evidence of LEED-Gold certification until issuance of the certificate of occupancy for the second and final phase of the Project.
  - b. Prior to the issuance of a certificate of occupancy for the historic school portion of the Project, the Applicant shall provide the Zoning Administrator with evidence that the historic school portion of the Project is on track to secure LEED-Silver certification or higher from the U.S. Green Building Council under the LEED v.4 rating system. Within 12 months after the issuance of such certificate of occupancy, the Applicant shall submit evidence

to the Zoning Administrator that it has secured such LEED-Silver certification.

- c. For the life of the Project, the Applicant shall provide solar panels as shown on the Plans.

8. Benefits of Special Value to the Neighborhood.

- a. *Museum Admission Policy:* The Applicant shall provide free general admission to the art museum to all District of Columbia residents as long as the museum is open to the public. In its discretion, the Applicant may implement this free-admission policy by issuing membership cards to residents or by accepting another form of residential identification;
- b. *Meeting Space:* The Applicant shall provide meeting space on the lower level of the museum, or other suitable meeting space, at no charge for one neighborhood town meeting per calendar month and for one small-room meeting per calendar month;
- c. *Art Exhibits:* The Applicant shall organize an annual exhibit of artwork by residents of ANC 6D, including at least one public-school student. The art will be displayed in the local artists' gallery shown on page A08 of the Plans;
- d. *Art Projects:* The Applicant shall designate an annual ANC 6D neighborhood visual arts project and provide the resources needed to make that project a reality. The Applicant will designate a community outreach coordinator to work with ANC 6D to create and annual visual arts project, and to supply, directly or through a third parties, the art materials, display location and funding for the project;
- e. *Art Festival:* The Applicant will designate a community outreach coordinator to work with ANC 6D and the Washington Project for the Arts to organize, sponsor, and provide resources for an annual public, free admission outdoor Arts Festival in ANC 6D;
- f. *ANC 6D Volunteers:* Applicant shall establish a program of recruiting museum volunteers from ANC 6D, who will receive free admission to at least one paid event at the museum;
- g. [deleted]
- h. [deleted]

- i. [deleted]
  - j. *Southwest Historic District Study*: Prior to the issuance of a certificate of occupancy, the Applicant shall contribute \$20,000 to Southwest Neighborhood Assembly to support the study and development of a Southwest Washington historic district;
  - k. *Arts Program at Randall Recreation Center*: Prior to the issuance of a certificate of occupancy, the Applicant shall contribute to the Southeast Southwest Community Benefits Coordinating Council (“CBCC”) \$1,000 per month, for a period of five years, to help fund arts programming at the Randall Recreation Center. CBCC will create a plan for arts programming in consultation with Washington Project for the Arts and others, including the Applicant. The Applicant may accelerate payments in order to obtain a certificate of occupancy;
  - l. *Construction Management Plan*: Prior to the issuance of a building permit, the Applicant shall submit a construction management plan to the ANC; and
  - m. *RPP Restrictions*: Prior to the issuance of a certificate of occupancy for the residential portion of the PUD, the Applicant shall provide evidence that restrictions will be included in the residential leases or condominium documents prohibiting a RPP from the Department of Motor Vehicles. The Applicant shall also provide evidence that it has requested that the building be removed or excluded from the RPP program.
9. First Source Employment Agreement. Prior to the issuance of a building permit and if approved by the Department of Employment Services, the Applicant shall execute a First Source Employment Agreement with the Department of Employment Services in order to achieve the goal of utilizing D.C. residents for at least 51% of the jobs created by the construction of the PUD. The Applicant shall give residents from ANC 6D special consideration for employment to the extent permitted by law.
10. CBE Agreement. Prior to issuance of a building permit, the Applicant shall execute a Certified Business Enterprise agreement with the Department of Small and Local Business Development and submit a copy to the Office of Zoning. The CBE Agreement shall commit the Applicant to achieve, at a minimum, the goal of 35% participation by local, small, or disadvantaged businesses in the contracted development costs in connection with the design, development and construction for the project created as a result of the PUD.

C. **Mitigation Measures**

1. **Transportation Demand Management ("TDM") Measures.** For the life of the Project, the Applicant shall implement the following TDM measures:
  - a. *TDM Leaders:* The Applicant shall identify TDM Leaders (for planning, construction, and operations). The TDM Leaders shall work with goDCgo staff to create free customized marketing materials and a TDM outreach plan for residents, employees, and patrons, including development of a site-specific transportation. The TDM Leaders shall act as a point-of-contact for DDOT.
  - b. *TDM Reporting:* The building management shall provide updated contact information for the TDM Leaders and report TDM efforts and amenities to goDCgo staff once per year.
  - c. *TDM Information for Museum Patrons:* The museum's website shall provide links to godcgo.com, information on alternative modes of travel, instructions for event patrons, and it shall discourage parking on-street in residential permit parking zones.
  - d. *TDM Information for Tenants and Residents:* The Applicant shall distribute new-tenant and new-resident packages with materials provided by DDOT including site-specific transit-related information to all persons or entities signing leases.
  - e. *Transportation Information Centers:* Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has provided a transportation information center located in each residential, office, and museum lobby, maintained by the TDM Leader(s). The transportation information centers shall be stations located within each building in a visible location and shall contain information, either printed, electronic, or both, regarding non-automotive travel options for employees, residents, and museum patrons.
  - f. *Transportation Information Board:* Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has installed an electronic message board displaying relevant transportation information, such as transit estimated arrival times at nearby stops/stations and Capital Bikeshare availability at nearby stations in the residential lobby.

- g. *Residential Parking Pricing:* The Applicant shall unbundle all residential parking costs from the cost of lease or purchase. Residential parking shall be priced to limit demand in a way to help achieve the parking ratios goals.
- h. *Office and Museum Parking Pricing:* The Applicant shall price office and museum parking at market cost, defined as no less than the charges of the lowest fee garage located within a ¼ mile.
- i. *Electric Vehicle Parking:* For the life of the Project, the Applicant shall provide a minimum of six electric car charging stations within the Project or on the Property.
- j. *Carshare Spaces:* Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has reserved two (2) carshare spaces on-site in a location of its choosing. If carshare providers do not locate a vehicle in one of these two (2) spaces on-site, then the Applicant shall provide one (1) annual carshare or bikeshare membership to each residential for one (1) year after initial occupancy. This shall be in an addition to the two (2) years of carshare or bikeshare memberships should such be required in lieu of a Capital Bikeshare station.
- k. *Bicycle Parking and Facilities:* Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has provided a minimum of 175 long-term spaces within the PUD as shown on the Plans and, subject to approval by public space officials, a minimum of 36 short-term parking spaces on the public and private streets surrounding the perimeter of the PUD as shown on the Plans. The Applicant shall also demonstrate that it has provided a minimum of 2 showers and 4 lockers within the museum component of the PUD as shown on the page A08 of the Plans.
- l. *Bikeshare Station:* Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has paid for the cost of installation and one year of operating costs for a 19-dock Capital Bikeshare station in the immediate vicinity of the Property at a location to be selected by DDOT. If another station is installed within 750 feet prior to the Applicant installing a 19-dock station, then the Applicant shall instead provide one (1) annual carshare or bikeshare membership for each residential unit for the initial two (2) years after occupancy.



2. Loading Management Plan. For the life of the Project, the Applicant shall implement the following loading management measures:
  - a. *Residential Component:*
    - i. A loading manager will be designated by the property management for the residential component of the site.
    - ii. All residential tenants must schedule move-ins/move-outs with the loading manager. Residents will be required to reserve their requested loading time slot with the loading manager.
    - iii. The loading manager will schedule deliveries such that the loading capacity is not exceeded. If an unscheduled delivery vehicle arrives while the loading area is full, that driver will be directed to return at a later time so as not to impede traffic flow.
    - iv. The loading management plan will be included in the residential leases.
  - b. *Commercial and Museum Component:*
    - i. A loading manager will be designated by the property management for the commercial and museum components of the site.
    - ii. The loading manager will coordinate commercial and museum deliveries such that the loading capacity is not exceeded. If the loading area is full, that driver will be directed to return at a later time so as not to impede traffic flow.
    - iii. The loading manager will be responsible for meeting deliveries made by tractor-trailer (WB-50, 55'). The loading manager will keep the designated loading areas and maneuvering space clear for deliveries and manage any potential conflicts between vehicles, pedestrian, etc. during arrival and departure.
    - iv. Tractor-trailer trucks that access the site will be directed to enter from I (Eye) Street SW and then back into the loading area within the private portion of First Street SW. Upon departure, tractor-trailer trucks will be directed to exit to the north, travel through the H Street/Delaware Avenue circle, and exit via Delaware Avenue/I Street.

- v. Building management will be responsible for disseminating routing information, particularly as it relates to museum deliveries using tractor-trailer trucks, which are expected to occur infrequently every one (1) to two (2) months.
- vi. If parking is provided along the private portion of First Street SW, it will be restricted when tractor-trailer trucks are scheduled to access the site in order to accommodate necessary turning maneuvers.
- vii. The loading management plan will be included in commercial and museum leases.

c. *General:*

- i. Trucks using the loading docks will not be allowed to idle and must follow 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.
- ii. Loading Managers will be responsible for disseminating DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT’s truck routes. The loading managers will also post these documents in a prominent location within the service areas.

**D. Miscellaneous**

1. No building permit shall be issued for the PUD until the owner of the Property has recorded a covenant in the land records of the District of Columbia, between the owner 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 owner of the Property and all successors in title to construct and use the Property in accordance with this Order and any amendment thereof by the Commission.
2. The PUD shall be governed by the timeframes established in Z.C. Order No. 07-13F. As set forth in that Order, the PUD shall remain valid until May 9, 2019; within such time, an application must be filed for a building permit for the construction of the Project (or Phase I of the Project as described in A.6 above if the Applicant elects to phase the Project) as specified in 11-Z DCMR .

Construction of the Project (or Phase I of the Project, if the Applicant elects to phase the Project) must commence prior to May 9, 2020 for the PUD to remain valid. If the Applicant elects to phase the Project, the Applicant shall file for a building permit for Phase II of the PUD within two years after the issuance of a certificate of occupancy for the residential building constructed in Phase I of the PUD, and the Applicant shall start construction of Phase II within three years after the issuance of a certificate of occupancy for the residential building constructed in Phase I of the PUD. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning. 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.