

Zoning Commission Case No. 08-30
Applicant's Proposed Conditions of Zoning Commission Approval

1. The project shall be built in accordance with the architectural plans, elevations and materials submitted in the record of Zoning Commission Case No. 08-30 as Exhibits 13, 21 and _____, as modified by the guidelines, conditions, and standards below.
2. The overall maximum permitted density shall be 8.01 FAR. In order to achieve the maximum permitted density, the Applicant shall transfer non-residential density from other lots within the CG Overlay District and shall transfer residential density to those same lots by the process set forth in accordance with the limitations of Section 1602.1(a) and 1602.1(e).
3. Except for the roof structures and architectural embellishments, the maximum permitted height of the building shall be 110 feet. The project in its entirety shall include approximately 280,952 square feet of residential use (260-300 residential units), 370,019 square feet of office use and 53,840 square feet of retail use.
4. A minimum of 69% of gross floor area of the ground floor shall be devoted to preferred uses.
5. The Applicant shall dedicate at least 52% of the building roof to a vegetated roof, as depicted in the plans. The Applicant shall provide sustainable building design features such that both the residential and office components of the project will qualify for certification for at least a LEED Silver building.
6. The Applicant shall have flexibility with the design of the project in the following areas:
 - To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways and mechanical rooms, provided that the variations do not materially change the exterior configuration of the buildings;
 - To vary the final selection of the exterior materials within the color ranges and material types (maintaining the same general level of quality) as proposed, based on availability at the time of construction;
 - To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals;
 - To vary the exterior design and materials of the ground floor retail space based on the preferences of the individual retailer. The Applicant will not permit the individual retailer to modify the building footprint, except for bay projections not to exceed 4 feet from the property line, or reduce the quality of the materials used on the exterior of the ground floor of the Project, as shown in the plans submitted with this application. The

Applicant and all tenants of the project will comply with the requirements of Chapter 16, except as otherwise approved by this Order.

7. The Zoning Administrator shall have the flexibility to make minor modifications to the final plans as approved by the Commission. These modifications shall be limited to the following:
 - A change not to exceed two percent (2%) in the percentage of lot occupancy or gross floor area of the building;
 - A change not to exceed two percent (2%) in the number of residential units or gross floor area to be used for commercial uses.
8. The project shall include a maximum of 607 parking spaces. The Applicant shall have the flexibility to reduce the number of parking spaces per market conditions and demand for parking spaces.
9. The Applicant shall comply with the terms of the Community Benefits Agreement, a copy of which was submitted on January 29, 2009, as Exhibit 23 of the record.
10. The Applicant shall reserve six parking spaces in the below-grade garage for a local car-sharing vehicle service.
11. The Applicant shall designate a delivery management coordinator to coordinate loading for the residential, office, and retail uses on the Property.
12. The project shall be valid for a period of three years from the effective date of Zoning Commission Order No. 08-30. Within such time, an application must be filed for a building permit for the construction of either the office or residential component of the project; the filing of such a building permit application will vest the Zoning Commission Order. An application for the final building permit completing the development of the project must be filed within five (5) years of the issuance of the final certificate of occupancy for the first component of the project.