

August 13, 2020

VIA IZIS

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 200S
Washington, DC 20001

Re: Z.C. Case No. 09-03F: Application of Skyland Holdings, LLC (the “Applicant”) to the District of Columbia Zoning Commission for a Modification of Significance to an Approved Planned Unit Development (“PUD”) at Skyland Town Center (Square 5633, Lot 22, the “Property”) — Applicant’s Final Proffers and Conditions

Dear Chairman Hood and Commissioners:

Pursuant to the requirements of Subtitle X, Section 308.12, the Applicant hereby submits its final proffers and corresponding conditions of approval for the above-referenced project. The final proffers and conditions have been revised in response to comments received from the Office of the Attorney General (“OAG”). Changes to the Conditions of the initial proffers and conditions (dated July 30, 2020) are noted in ~~strike through~~ and **bold**.

In regard to specific comments from OAG, the Applicant notes the following:

Uses of Special Value – The Applicant is not proposing to make any changes to the financial contributions (or the timing of such contributions) related to the contributions for local schools, community events and programs, the Anacostia and Francis Gregory libraries, and the pocket park. The Applicant is also not proposing to make any changes to the establishment of the local retailer build-out subsidy fund. However, given the changes in the timing of construction for Blocks 1, 3 and 4, the Applicant is now proposing a final close-out date for this contribution (based on the proposed date of construction for Block 4 and when local retailers would potentially use this fund for retail space in the mixed-use building on Block 4).

Environmental and Sustainable Benefits – The Applicant has added a condition that the building on Block 4 will be designed to achieve a LEED Silver v4 level of certification.

Proffer	Condition	Prior Order Note
<u>Superior Urban Design and Architecture (X-305.5 (a))</u> The Modification Project’s design is reflective of superior architectural and urban design	1. The Modification Project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibit 22C of the record in Z.C. Case No. 09-03F,	Updated to reflect revised plans.

<p>characteristics relative to any matter-of-right development, including the highly designed town center with a mix of uses focused around a central Town Center Drive.</p> <p><u>Site Planning and Efficient and Economical Land Utilization (X-305.5(c))</u>. The PUD rezoned an underutilized area on a major thoroughfare to allow for a mix of uses reflecting a true Town Center, including retail, office, and residential uses.</p>	<p>and as further modified by the guidelines, conditions, and standards herein.</p>	
<p><u>Uses of Special Value (X-305.5(q))</u>: The Modification Project continues the commitment to provide \$1,285,000 in contributions to the community, including to schools, parks, and libraries all within the immediate community.</p> <p><u>Employment Opportunities (X-305.5(h))</u>: The Modification Project includes a reallocation of \$375,000 (removing the prior contributions to the Contractor Loan Fund and the Home Buying and Home Ownership classes) to the Skyland Workforce Center due to its enormous success in providing job training and services to community residents.</p>	<p>2. The Applicant shall make the following financial, or in-kind service, contributions:</p> <p>(a) Financial Support to Schools: The Applicant shall make in-kind service or financial contributions, with a value of \$200,000, to support schools located within the geographic boundaries of ANCs 7B, 8B, and 8A for aesthetic improvements and to participate in initiatives such as “Buff and Scrub.” The Applicant expects that these in-kind service or financial contributions will be made over the entire time period of the development of the project, as discussed in Condition No. 17. Starting from the date that is one year after the effective date of this Order, and on an annual basis thereafter, the Applicant will provide evidence to the Zoning Administrator (“ZA”) and the Office of Zoning (“OZ”) as to whether any in-kind service or financial contributions were made for this purpose, the recipient of those funds, and the outstanding</p>	<p>Updated to reflect materials filed in the case record and success of the Skyland Workforce Center.</p>

	<p>balance of this contribution. Not less than 75% of the total amount of this contribution (\$150,000) (whether in the form of in-kind services, monetary contributions, or a combination of the two) shall be made by the Applicant by September 10, 2018. Notwithstanding Condition No. 17, this Order will expire as of that date if these payments/services have not been provided. The full amount of this contribution (whether in the form of in-kind services, monetary contributions, or a combination of the two) shall be made by the Applicant no later than September 10, 2022, or the date the last application for a building permit is filed for the project, whichever is sooner;</p> <p>(b) Sponsorship of local community events and programs: The Applicant shall establish and administer a \$35,000 fund to sponsor community events such as holiday food drives, community festivals, and other community-promoting activities for the area surrounding the project. The Applicant expects that this contribution will be made over the entire time period of the development of the project, as discussed in Condition No. 17. Starting from the date that is one year after the effective date of this Order, and on an annual basis thereafter, the Applicant will provide evidence to the ZA and OZ as to whether any contributions were made for this purpose, the recipient of those funds, and the outstanding balance of this contribution. Not</p>	
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	<p>less than 50% of the total amount of this contribution (\$17,500) shall be made by the Applicant within five years of the effective date of this Order.</p> <p>Notwithstanding Condition No. 17, this Order will expire as of that date if these payments have not been provided. The full amount of this contribution must be made by the Applicant no later than 10 years after the effective date of this Order, or the date the last application for a building permit is filed for the project, whichever is sooner;</p> <p>(c) <i>Omitted.</i></p> <p>(d) Local retailer build-out subsidy: The Applicant shall establish and administer a \$500,000 fund to subsidize a portion of the build-out costs for Certified Business Enterprise and local retailers opening a store at the Skyland Town Center. The Applicant expects that this contribution will be made over the entire time period of the development of the project, as discussed in Condition No. 17. Starting from the date that is one year after the effective date of this Order, and on an annual basis thereafter, the Applicant will provide evidence to the ZA and OZ as to whether any contributions were made for this purpose, the recipient of those funds, and the outstanding balance of this fund. The annual amount of this contribution will be proportionate to the amount of construction activity which occurred in that year. If no construction activity occurred in any given year, the Applicant is</p>	
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	<p>not obligated to provide any financial contributions in that year. The full amount of this contribution must be made by the Applicant by December 31, 2030. no later than 12 years after the effective date of this Order.</p> <p>(e) Anacostia and Francis Gregory Libraries: The Applicant shall provide up to \$50,000 to perform capital improvements, upgrade computers, and provide other services for the Anacostia and Francis Gregory Libraries. The Applicant expects that this contribution will be made over the entire time period of the development of the project, as discussed in Condition No. 17. Starting from the date that is one year after the effective date of this Order, and on an annual basis thereafter, the Applicant will provide evidence to the ZA and OZ as to whether any contributions were made for this purpose, the recipient of those funds, and the outstanding balance of this contribution. Not less than 50% of the total amount of this contribution (\$25,000) shall be made by the Applicant by September 10, 2018. Notwithstanding Condition No. 17, this Order will expire as of that date if these payments have not been provided. The full amount of this contribution must be made by the Applicant no later than September 10, 2022, or the date the last application for a building permit is filed for the project, whichever is sooner;</p> <p>(f) Pocket Park at 25th Street & Naylor Road: The Applicant shall</p>	
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	<p>improve and maintain, at a value of \$50,000, the existing triangular pocket park at 25th Street and Naylor Road. The maintenance of the pocket park will be provided over the entire time period of the development of the project, as discussed in Condition No. 17. The maintenance obligation will commence immediately after the improvements are made. Starting from the date that is one year after the effective date of this Order, and on an annual basis thereafter, the Applicant will provide evidence to the ZA and OZ as to whether any improvements were made for this purpose. The work related to the installation of the right turn lane, new sidewalks, and utility improvements will be complete by September 10, 2018. The installation of hardscape and landscape improvements will be completed by May 1, 2020;</p> <p>(g) The Applicant shall provide job training programs, at a cost of \$450,000, for residents of Wards 7 and 8 so that they are prepared to apply and interview for jobs with the future retailers at the Skyland Town Center or elsewhere. The Applicant shall maintain a list of trained and qualified job candidates and shall provide that list to all new retailers. The Applicant expects that this program will be conducted over the entire time period of the development of the project, as discussed in Condition No. 17. Starting from the date that is one year after the effective date of this Order, and on an annual basis thereafter, the</p>	
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	<p>Applicant will provide evidence to the ZA and OZ as to the job training programs that were conducted in the prior year, if any. The extent of the training provided will be proportionate to the amount of construction activity which occurred in that year. If no construction activity occurred in any given year, the Applicant is not obligated to provide job training programs in that year; however, the Applicant must expend \$450,000 for the purpose of providing job training programs prior to 10 years after the effective date of this Order, or the date the last application for a building permit is filed for the project, whichever is sooner; and</p> <p>(h) <i>Omitted.</i></p>	
	<p>3. The failure of the Applicant to make any contribution or provide any service by the time specified in Condition No. 2 shall result in the denial of any pending application for a building permit or certificate of occupancy and shall be grounds for the revocation of any building permit.</p>	<p>Unchanged.</p>
<p><u>Mass Transit Improvements (X-305.5(p)):</u> The original PUD Project included the option for DDOT to install a transit store within Block 2.</p>	<p>4. In consultation with DDOT, and contingent upon its approval, the Applicant shall construct and provide space for an 800-1,000 square-foot commuter store adjacent to, or located in, the building on Block 2. The commuter store will offer transit riders SmarTrip cards and Metrobus/Metrorail fare cards, maps, real-time schedules, and transportation options in the Metro Washington area. DDOT will provide for the operation of the store. The Applicant will deliver the commuter store space to DDOT as a warm white</p>	<p>Unchanged.</p>

	<p>shell, with a finished floor, ceiling, lights, etc. The Applicant will not be responsible for the purchase or installation of any equipment or specialty items needed for the operation of the commuter store. The Applicant shall provide the same security and maintenance for the commuter store as it will for the other retail tenants in the project. In the event that DDOT determines that the store is not necessary, the Applicant will not be required to provide or construct such space. DDOT must make this decision by the time of the issuance of a building permit for Block 2.</p>	
<p><u>Transportation Infrastructure Beyond What is Required for Mitigation (X-305.5(o)):</u> The Modification Project includes significant transportation infrastructure improvements at and surrounding the Property, many of which have already been implemented.</p>	<p>5. The Applicant shall make the transportation infrastructure and traffic improvements to the area around Skyland Town Center, as provided for in the approved plans and materials: modified traffic signals; reconfiguring existing traffic lanes; restriping; new signs; and the widening of 25th Street. These transportation infrastructure and traffic improvements will be completed prior to the issuance of a Certificate of Occupancy for the Building on Block 1, in accordance with DDOT standards and contingent on DDOT issuing a permit for such improvements.</p>	<p>Unchanged.</p>
	<p>6. The Applicant shall make the following public space improvements to Naylor Road and Alabama Avenue, as provided for in the approved plans and materials; new DC standard sidewalks, granite curbs, and gutters; paver crosswalks; street trees; irrigation; special pavers; benches; receptacles; bollards; and 16' Washington Globe lighting. The Applicant will provide a landscape</p>	<p>Unchanged.</p>

	<p>buffer on the east side of the Property to screen the project from Hillcrest residents. These public space improvements must be made by the completion of the last phase of development of the project.</p>	
<p><u>Environmental and Sustainable Benefits: LEED Achievement (X-305.5(k)(5)):</u> The Applicant proposes to construct the Medical Office Building and the Lidl to LEED Silver v4 level, and the parking garage to a “Parksmart” certification.</p>	<p>7. <u>LEED Requirements for the Modification Project</u></p> <p>(a) <u>Prior to the issuance of a certificate of occupancy for the Medical Office Building in Block 1,</u> the Applicant shall provide the Zoning Administrator with evidence that the building has or will achieve the requisite number of prerequisites and points necessary to achieve LEED Silver v4 level for the office building and evidence that the garage has or will achieve the Green Business Certification Inc.’s “Parksmart” certification.</p> <p>(b) <u>Prior to the issuance of a certificate of occupancy for the Lidl grocery store in Block 3,</u> the Applicant shall provide with evidence that the building has or will achieve the requisite number of prerequisites and points necessary to achieve LEED Silver v4 level.</p> <p>(c) <u>The building to be constructed on Block 4 will be designed to achieve a LEED Silver v4 level of certification.</u></p>	<p>Revised to address LEED proffers for Blocks 1, 3, and 4.</p> <p>Any conditions related to Block 4’s LEED requirements will be addressed in the second stage PUD.</p>
<p>Transportation Mitigation Measures.</p>	<p>8. <u>For the life of Modification Project,</u> the Applicant shall establish a transportation management program (“TMP”) and a Loading Management Plan (“LMP”) that includes the following: [<i>See Appendix A</i>]</p>	<p>Revised based on the coordination with DDOT and updated site plan.</p>
<p><u>Employment Opportunities (X-305.5(h)):</u> The</p>	<p>9. The Applicant shall enter into a First Source Employment Agreement with</p>	<p>Unchanged.</p>

<p>Modification Project continues to include the commitment of the Applicant to a First Source Employment Agreement and Certified Business Enterprise Agreement.</p>	<p>the D.C. Department of Employment Services (“DOES”) in conformance with the Agreement included as Exhibit F of the Applicant’s Pre-Hearing Statement submitted into the record. A fully-signed First Source Employment Agreement between the Applicant and DOES must be filed with the ZA prior to the issuance of the first above grade building permit for the project.</p>	
	<p>10. The Applicant shall enter into a Certified Business Enterprise Utilization Agreement with the D.C. Department of Small and Local Business Development (“DSLBD”) in conformance with the Agreement included as Exhibit G of the Applicant’s Pre-Hearing Statement submitted into the record. A fully-signed Certified Business Enterprise Utilization Agreement between the Applicant and DSLBD must be filed with the ZA prior to the issuance of the first above grade building permit for the project.</p>	<p>Unchanged.</p>
<p><u>Affordable Housing (X-305.5(g)):</u> The Modification Project continues to require 20% of the residential units be set aside as affordable, in excess of the 8% that would be required in this zone as a matter of right.</p>	<p>11. <u>For the life of the Modification Project,</u> the Applicant shall reserve a total of 20% of the residential units as affordable for households having an income not exceeding 80% of the Area Median Income (“AMI”) for the Washington, D.C. Metropolitan Statistical Area (adjusted for family size). The Applicant shall reserve an additional 10% of the residential units as affordable for households having an income not exceeding 120% of AMI. A proportionate amount of affordable housing will be distributed throughout Blocks 2 and 4 except for the two upper stories of each building. These affordable units will be reserved for a term that is consistent with the affordability</p>	<p>References updated to reflect current uses.</p>

	covenant that will be recorded in the D.C. Land Records against the Skyland Property, as required by the land disposition agreement signed by the Applicant and the District of Columbia.	
Construction mitigation.	12. The Applicant shall undertake the construction mitigation measures as stated in Exhibits 112 and 120 of the record. These measures include monitoring construction activity impacts; monitoring of vibrations from construction activity; the Applicant agreeing to take responsibility for damage to adjacent properties and pay for damage caused by the Applicant’s construction activities (note that neither the Commission, nor the ZA, will have any responsibility or duty to determine whether any damage has occurred); providing site management, including fencing and barricades, erosion control measures, continuous rubbish removal, and directing of construction traffic; and provision of a on-site construction representative to hear and respond to concerns from the Ft. Baker Drive residents during construction.	Unchanged.
<u>Superior Urban Design and Architecture (X-305.5 (a)).</u> The Modification Project’s design is reflective of superior architectural and urban design characteristics relative to any matter-of-right development, including the reduction in the total parking spaces relative to the previous project approvals.	13. <u>For the life of the Modification Project,</u> the number of parking spaces permitted in the PUD project shall be a total of 1,289.	Updated to reflect current parking plan.
<u>Superior Urban Design and Architecture (X-305.5 (a)).</u> The Modification Project’s design is reflective of superior	14. The Applicant shall have flexibility with the Modification Project in the following areas:	Updated to reflect current plan and filings in the case record, including

<p>architectural and urban design characteristics relative to any matter-of-right development, including the highly designed town center with a mix of uses focused around a central Town Center Drive.</p> <p><u>Commemorative Works of Public Art (X-305.5(d))</u>. The Modification Project includes shadow boxes in the first floor structure in front of the parking garage in Block 1 that will provide a place for community art installations to be displayed for the public.</p> <p><u>Housing that exceeds the amount that would have been required through matter-of-right development under existing zoning (X-305.5(f)(1))</u>: The Modification Project includes over 250 housing units in Block 4, well over the required amount of housing that would be required as a matter of right on the property.</p>	<ol style="list-style-type: none"> a. To reduce the overall size of the building in Block 1 based on the market demand for Medical Office use at the time of construction, provided the revised massing does not require additional zoning relief; b. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures and that the shadow boxes along the Naylor Road façade in Block 1 are maintained; c. To vary the final selection of the exterior materials within the color ranges of material types as proposed, based on availability at the time of construction without reducing the quality of the materials; d. To make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, balconies, canopies and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, such that the refinements do not substantially change the external configuration or appearance of the building; e. To vary the number of residential units and the residential unit types by plus or minus 10%, to be finalized at the second-stage review for Block 4; 	<p>comments from OP.</p>
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	<ul style="list-style-type: none">f. To reduce the number of parking spaces, provided that no additional relief is required;g. To vary the streetscaping and landscaping materials on private property within the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of applicable regulatory bodies;h. To vary the amount, location, and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves the minimum GAR requirement and does not reduce the total solar coverage area;i. To vary the final design and layout of the mechanical penthouses to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems, so long as such changes do not substantially alter the exterior dimensions shown on the Plans and remain compliant with all applicable penthouse setback requirements;j. To vary the final design of the outdoor amenity spaces to reflect their final programming, provided that the use of space, character, and quality of the features and plantings remain in substantial conformance with the concept design shown on the Plans;k. To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials	
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	<p>are consistent with the signage on the Plans and are compliant with the DC signage regulations, and consistent with Exhibit 29A; and;</p> <p>and</p> <p>1. To modify the streetscape design and areas in public space in response to DDOT and the public space permitting process.</p>	
PUD Covenant.	<p>15. The ZA shall not approve a permit application 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 OAG and the Zoning Division of DCRA. Such covenant shall bind the Applicant and all successors in title to construct and use the Subject Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with OZ for the case record.</p>	Unchanged.
<p><u>Site Planning and Efficient and Economical Land Utilization (X-305.5(c)).</u> The PUD rezoned an underutilized area on a major thoroughfare to allow for a mix of uses reflecting a true Town Center, including retail, office, and residential uses.</p>	<p>16. The change of zoning from the R-5-A, R-5-B, and R-1-B Zone Districts to the C-3-A Zone District shall be effective upon the recordation of the covenant discussed in Condition No. 15, pursuant to 11 DCMR § 3028.9.</p>	Unchanged.
Updated Validity Period Condition.	<p>17. A building permit for the construction of the buildings on Block 3 shall be filed within one year of the Zoning Commission’s approval of the Modification Project and construction will start within two years Zoning Commission’s approval of the Modification Project; a building permit for the construction of the building on Block 1 shall be filed</p>	Updated to reflect current timing and submissions in the Case Record.

	<p>within two years of the Zoning Commission’s approval of the Modification Project and construction will start within three years Zoning Commission’s approval of the Modification Project; and a second-stage PUD application for the development of the mixed-use building on Block 4 shall be filed with the Zoning Commission by December 31, 2025 and a building permit application for Block 4 shall be filed within one year of the Zoning Commission’s approval of the second stage PUD application and construction will start within two years of the Zoning Commission’s approval of the second stage PUD application.within five years of the Zoning Commission’s approval of the Modification Project.</p>	
<p>Required Condition.</p>	<p>18. The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”). This Order is conditioned upon full compliance with those provisions. In accordance with the 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 prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by</p>	<p>Unchanged.</p>

	<p>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 denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.</p>	
<p><u>Transportation Infrastructure Beyond What is Required for Mitigation (X-305.5(o)):</u> The Modification Project includes significant transportation infrastructure improvements at and surrounding the Property, many of which have already been implemented.</p>	<p>19. The Applicant shall provide a 10-foot wide clear sidewalk along the building face of Block 1 and Block 2 on the Naylor/Good Hope Road frontage on public space or through a combination of public and private space.</p>	<p>Unchanged.</p>

The Applicant looks forward to the Commission’s action on this application at its September 14, 2020 Public Meeting. Please feel free to contact the undersigned with any questions.

Respectfully submitted,

/s/ Paul A. Tummonds

/s/ Meghan Hottel-Cox

CC: Maximilian L.S. Tondro, Office of the Attorney General
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Certificate of Service

I certify that on August 13, 2020, I delivered a copy of the foregoing document via e-mail or first-class mail to the addresses listed below.

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/s/ Paul Tummonds

Appendix A – TDMP and LMP

Condition 8: For the life of Modification Project, the Applicant shall establish a transportation management program (“TMP”) and a Loading Management Plan (“LMP”) that includes the following:

(a) **Transportation Demand Management Plan**

(i) *Overall Site*

- a. The Applicant will install eight (8) additional docks (two expansion plates) to the existing 11-dock Capital Bikeshare station at the corner of Alabama Avenue and Good Hope Road and ensure it is designed to remain in place.
- b. The Applicant will provide reserved parking locations for carshare and carpool vehicles.
- c. The Applicant will establish a ride-matching program.
- d. The Applicant will implement strategies to evaluate the effectiveness of the transportation management program (TMP).
- e. The Applicant will provide dedicated parking spaces for car-sharing vehicles.
- f. The enhancement of Metrobus service in and around the site which will help encourage residents of the project and the surrounding areas to utilize public transportation.
- g. The Applicant will establish the position of a Transportation Services Coordinator in the property management office who will be responsible for administering and advancing TMP strategies and also monitoring loading and parking practices in the project.

(ii) *Block 1*

- a. The Applicant will unbundle the cost of parking from the cost to lease an office unit.
- b. The Applicant will provide a free parking space for all vehicles that employees use to vanpool to work.
- c. The Applicant will not lease unused parking spaces to anyone aside from tenants of the building (e.g., will not lease to other nearby office employees, single-family home residents).
- d. At the initial opening of the building, the Applicant will offer each new employee of a tenant in Block 1 a Capital Bikeshare Bronze Level membership upon their initial employment.
- e. At the initial opening of the building, the Applicant will offer each new employee a Metrocheck or SmartTrip Card with the value of \$20.00.
- f. The Applicant will provide a bicycle repair station in each long-term bicycle parking storage room.
- g. The Applicant will install a Transportation Information Center Display (electronic screen) within the 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.

- h. Following the issuance of a certificate of occupancy for the Block, the Transportation Coordinator shall submit documentation summarizing compliance with the transportation and TDM conditions of the Order (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.
- i. Following the issuance of a certificate of occupancy for the Block, the Transportation Coordinator will 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 compliance with the transportation and TDM conditions in the Order.
- j. The Applicant will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees.
- k. The Applicant will meet ZR16 requirements for shower and locker facilities.

(iii) Block 3

- a. The Applicant will unbundle the cost of parking from the cost to lease the building or unit.
- b. The Applicant will provide a free parking space for all vehicles that employees use to vanpool to work.
- c. The Applicant will not lease unused parking spaces to anyone aside from tenants of the building (e.g., will not lease to other nearby office employees, single-family home residents).
- d. At the initial opening of the buildings, the Applicant will offer each new employee of a tenant in Block 3 a Capital Bikeshare Bronze Level membership upon their initial employment.
- e. At the initial opening of the building, the Applicant will offer each new employee a Metrocheck or SmartTrip Card with the value of \$20.00.
- f. The Applicant will provide a bicycle repair station in each long-term bicycle parking storage room.
- g. Following the issuance of a certificate of occupancy for the Block, the Transportation Coordinator shall submit documentation summarizing compliance with the transportation and TDM conditions of the Order (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.
- h. Following the issuance of a certificate of occupancy for the Block, the Transportation Coordinator will 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 compliance with the transportation and TDM conditions in the Order.
- i. The Applicant will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees.

(iv) *Block 4*

- a. The Applicant will unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit and charge a minimum rate based on the average market rate within a quarter mile.
- b. The Applicant will designate two (2) parking spaces for vans to be used by District residents who vanpool to work.
- c. The Applicant will not lease unused residential parking spaces to anyone aside from tenants of the building (e.g., will not lease to other nearby office employees, single-family home residents, or sporting events).
- d. At the initial opening of the building, the Applicant will provide each new residential tenant, upon their move-in, a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride.
- e. At the initial opening of the building, the Applicant will offer each new employee a Metrocheck or SmartTrip Card with the value of \$20.00. (DDOT Report 09-03A)
- f. The Applicant will provide a bicycle repair station in each long-term bicycle parking storage room.
- g. Following the issuance of a certificate of occupancy for the Block, the Transportation Coordinator shall submit documentation summarizing compliance with the transportation and TDM conditions of the Order (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.
- h. Following the issuance of a certificate of occupancy for the Block, the Transportation Coordinator will 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 compliance with the transportation and TDM conditions in the Order.
- i. The Applicant will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees.
- j. The Applicant will meet ZR16 requirements for shower and locker facilities, if applicable.

(b) **Loading Management Plan**

(i) *Block 3 – Grocery Store*

- a. A loading manager will be designated by the grocery store who will be on duty during delivery hours. The dock manager will be responsible for coordinating with vendors to schedule deliveries and will work with the community and neighbors to resolve any conflicts should they arise.
- b. The loading manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along the internal driveways except during those times when a truck is actively entering or exiting loading berth.

- c. The loading manager will schedule deliveries using the berths such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to at a later time when the berth will be available so as to not compromise safety or impede circulation through the Site.
- d. Trucks using the loading dock 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 goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godcgo.com/freight).
- e. The loading manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading dock as well as notifying all drivers of any access or egress restrictions. The dock manager will also distribute flyer materials, such as the Metropolitan Washington Council of Governments (MWCOG) Turn Your Engine Off brochure, to drivers as needed to encourage compliance with idling laws. The dock manager will also post these materials and other relevant notices in a prominent location within the loading area.

(ii) Block 3 – In-Line Retail

- a. A loading manager will be designated by property management who will be reachable during delivery hours. The loading manager will be responsible for coordinating with retail tenants to ensure scheduled deliveries do not exceed loading area capacity and will work with the community and neighbors to resolve any conflicts should they arise.
- b. The loading manager will ensure truck maneuvers are monitored and vehicular, bike, or pedestrian traffic within the surface lot is not blocked except during those times when a truck is actively entering or exiting the loading area.
- c. All retail tenants will be required to coordinate and schedule deliveries that utilize the loading area (any loading operation conducted using a truck 20-feet in length or larger).
- d. In the event that an unscheduled delivery vehicle arrives while the loading space is occupied, that driver will be directed to return at a later time when the space will be available so as to not compromise safety or impede circulation.
- e. Trucks using the loading area 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 goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godcgo.com/freight).
- f. The loading manager will be responsible for disseminating suggested truck routing maps to the retail tenants as well as notifying all retail tenants of any access or egress restrictions. The loading manager will also post MWCOG's Turn Your Engine Off information and other relevant notices in a prominent location available to retail tenants overseeing deliveries.