

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-03
Z.C. Case No. 15-03
[date of final action]

Consolidated Approval for a Planned Unit Development and Zoning Map
Amendment for
1309-1315 Clifton Street, NW (Square 2866, Lots 831 & 838)

Pursuant to notice, the Zoning Commission for the District of Columbia (“**Commission**”) held a public hearing on December 10, 2015, to consider an application from Aria Development Group (the “**Applicant**”) for consolidated review and approval of a planned unit development (“**PUD**”) and related Zoning Map amendment. The Zoning Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR Section 3022. For the reasons stated below, the Zoning Commission hereby approves the application.

FINDINGS OF FACT

The Application, Parties and Hearing

1. The project site consists of Lots 831 and 838 in Square 2866 (“**Subject Property**” or “**Property**”). The Subject Property is zoned R-5-B. The Subject Property includes approximately 29,700 square feet of land area and is located within the boundaries of Advisory Neighborhood Commission (“**ANC**”) 1B. (Exhibit (“**Ex.**”) 1)
2. On February 6, 2015, the Applicant submitted an application seeking review and approval of a consolidated PUD and related Zoning Map amendment to the R-5-C zone for a new multifamily apartment building. (Ex. 1)
3. Notice of the public hearing was published in the *D.C. Register* on _____, was mailed to ANC 1B and to owners of all property within 200 feet of the Property in accordance with 11 DCMR § 3015.3, and was posted on signs at the Property at least 40 days before the hearing. (Ex. 15, 16.)
4. The public hearing on the application was conducted on December 10, 2015. Notice of the hearing was provided in accordance with the provisions of 11 DCMR §§ 3014 and 3015, and the hearing was conducted in accordance with the provisions of 11 DCMR § 3022.
5. By memorandum dated March 20, 2015, and through testimony at the public meeting held on March 30, 2015, the Office of Planning (“**OP**”) recommended that the Zoning Commission set down the application for public hearing as a consolidated PUD and related Zoning Map amendment to the R-5-C zone. (Ex. 9; 3/30/2015 Transcript (“**3/30 Tr.**”) at 57-58)

6. At its March 30, 2015 public meeting, the Commission set down the cases for a public hearing as a contested case. The Commission adopted OP's recommendation that the application be set down as a consolidated PUD and related Zoning Map amendment to the R-5-C zone. (3/30 Tr. 61-62)
7. On October 6, 2015, the Applicant filed a pre-hearing submission, and a public hearing was timely scheduled for December 10, 2015. On November 19, 2015, prior to the public hearing, the Applicant supplemented its application with additional information, including updated public benefits and amenities; revised plans; and a transportation impact study. (Ex. 11, 23)
8. In addition to the Applicant, ANC 1B was automatically a party in this proceeding. ANC 1B submitted a report concerning the application. The ANC also provided testimony at the public hearing. Following the public hearing, the ANC submitted another report in support of the application. (Ex. 51, ____; 12/10 Tr. 85-105)
9. At the public hearing, the Commission heard testimony and received a report from the Office of Planning ("OP") in support of the application. (Ex. 44; 12/10 Tr. 80)
10. At the public hearing, the Commission heard testimony and received a report from the District Department of Transportation ("DDOT") stating that it has no objection to the application. (Ex. 46; 12/10 Tr. 80-83)
11. At the December 10, 2015 public hearing, the Applicant presented evidence and testimony from Josh Benaim, a member of the development team; Ralph Cunningham, qualified as an expert in architecture; Heather Daley Rao, project architect; and Jim Watson, qualified as an expert in traffic engineering. (12/10 Tr. 9-46)
12. On February 8, 2016, the Applicant submitted additional information in response to issues and questions raised at the December 10 public hearing. (Ex. 59)
13. At a public meeting held on February 29, 2016, the Commission took proposed action by a vote of _____ to approve the application.
14. At a public meeting on _____, the Commission took final action to approve the application, subject to conditions, by a vote of _____.

The Subject Property and Surrounding Area

15. The Property is located in the Northwest quadrant of the District of Columbia and contains approximately 29,700 square feet of land area. It is bounded by a public alley that ranges from approximately 22 – 37 feet wide to the north, Clifton Street NW to the south, a multifamily condominium building to the east, and another condominium building to the west. The Property is less than $\frac{1}{2}$ mile from both the U Street–Cardozo and the Columbia Heights Metrorail stations. (Ex. 1, 50; 12/10 Tr. 17-18)
16. The Property is currently improved with two older apartment buildings. The apartment building on the east side of the Property, 1309 Clifton Street, is a three-story building

constructed circa 1954 that contains approximately 18 units and provides four parking spaces. This building is in poor condition and has been a security problem for the families residing in the building. The apartment building on the west side of the Property, 1315 Clifton Street, is an attractive four-story apartment building constructed circa 1909 in an Italianate Revival style. This building has not been renovated in many years and lacks many modern conveniences and necessities. The existing landscaping in front of the buildings is largely unremarkable and unkempt. A berm elevates the majority of the Property above the sidewalk on Clifton Street. (Ex. 1, 50; 12/10 Tr. 21-22, 56-57)

17. The immediately surrounding blocks are developed with a mixture of multifamily buildings of different heights and densities – ranging from two stories to more than six stories. In the same block, and along the same side of Clifton Street as the Property, are multiple three- or four-story apartment buildings. Directly across the street from the Property are three large six-story apartment buildings containing 100+ units that span almost the entire length of the block. These three buildings were developed contemporaneously, but one is a condominium, known as Wardman Court, and two are rental buildings. At the western end of the block is a paint store with a surface parking lot to service it. Access to the alley behind the Property is via an entrance off Clifton Street adjacent the paint store property. At the eastern end of the block, across 13th Street, is the Cardozo Educational Campus. (Ex. 1, 50; 12/10 Tr. 11-13)
18. The immediate neighborhood is primarily zoned R-5-B, with the properties along 14th Street to the west zoned C-2-B. To the north and east of the Property, properties are zoned R-4. (Ex. 1C, 50)
19. The Property is located in the Medium Density Residential category on the District of Columbia Future Land Use Map (“FLUM”). The Applicant requested a PUD-related rezoning of the Subject Property to the R-5-C zone. (Ex. 1, 1D)

Description of the PUD Project

20. The project will be a new six-story apartment building with underground bicycle and automobile parking (the “**Project**”). The Project will have a maximum floor area of approximately 118,800 gross square feet (“**GSF**”), for an effective FAR of 4.0. All of the gross square feet will be dedicated to residential use. The lot occupancy will be 71%, and the maximum height of the building will be 60 feet. The underground parking garage will provide 45 parking spaces, and the building will provide a 30-foot loading berth accessed from the alley. (Ex. 11A, 23B; 12/10 Tr. 18-19)
21. The majority of the building will be new structure on the east and north sides of the Project, but a large front segment of the existing west building will be preserved and integrated into the design, resulting in one harmonious building that has two distinct but complimentary elements. (Ex. 11A, 23B, 50; 12/10 Tr. 21-22)
22. In total, the Project will include 152-156 new residential units. The Project will provide 10% of the gross floor area (“**GFA**”) (on floors 1-5) as affordable units for the life of the Project pursuant to the Inclusionary Zoning regulations. Eight percent (8%) of the GFA

will be reserved for households making 50% of the Area Median Income, and 2% of the GFA will be reserved for households making 80% of the AMI. The residential units will consist of a mix of studio, one bedroom, two bedroom, and three bedroom units. (Ex. 11A, 23A, 23B, 50; 12/10 Tr. 19)

23. The Project will provide 45 automobile parking spaces in a single underground level. This parking garage will be accessed from the public alley at the rear of the Property. Loading facilities will also be accessed from the rear public alley and located on the north side of the building. Further, the Project will include at least 80 bike parking spaces in an underground level that will have a separate entrance at the rear of the building. (Ex. 11A, 23B, 50; 12/10 Tr. 19-20)
24. The new construction will rise to six stories (60 feet) plus a penthouse that will contain habitable space. The existing building portion that will be retained will not receive any additional height, thereby recessing the height and density behind and to the side of the retained structure. The new structure will be set back at least 10 feet from the front property line, while the retained portion of the existing building will maintain its setback of 27 feet from the front property line, thereby creating a significant amount of open green space at the front. To the east, the Project will abut the property line, but a large 35' x 45' closed court on the east side of the building will provide open and green space. To the west, the building will be set back a minimum of 10 feet from the property line with additional setback at the upper floor, and a large 39' x 38' open court will provide significant open green space. To the rear, the Project will be set back between one and six feet from rear property line, and, above the fourth floor, parts of the building will be further set back. (Ex. 1, 11A, 23B, 50; 12/10 Tr. 19-20)

Flexibility Requested

25. The Applicant requested flexibility from the rear yard requirement in Section 404.1. The Project will provide a rear yard ranging from 1 foot to 6 feet adjacent to the alley. The required rear yard would be 17 feet-10 inches. Because the front of the Project is set back to match the other buildings on Clifton Street, and because of the large courts in the Project, some of the Project's mass is shifted to the rear portion of the Project. In addition, areas of the upper floor of the rear of the Project are further set back from the alley. Since the alley is between 20 and 35 feet wide behind the building, the Project will allow sufficient light and air and will avoid encroaching on the neighboring properties to the rear. (Ex. 1, 50, 59A)
26. The Applicant requested flexibility from the side yard width requirement in Section 405.6. While the Project is not required to provide side yards, the Project will provide a western side yard of 10 feet. The side yard does not meet the minimum 15 foot requirement because of the large open courts in the Project, which shifts the density to the west. As mentioned, however, the overall Project site plan will provide significant open space to allow sufficient light and air and to avoid the encroachment of the new building on neighboring properties. (Ex. 1, 50)

27. The Applicant requested flexibility from the parking requirement in Section 2101.1. The required parking is 50-53 parking spaces, but the Project will provide 45 below-grade parking spaces. The required number of spaces would require creating an additional level of underground parking, which the Applicant demonstrated was inefficient to provide only the small number of additional spaces required. Additionally, given the Project's proximity to public transit, it is anticipated that many residents will not own cars. (Ex. 1, 23C; 12/10 Tr. 35)
28. The Applicant requested flexibility from the loading requirement in Section 2200.1. Section 2200.1 requires one 55-foot berth, one 200-square foot platform, and one 20-foot delivery space, but the Project will provide one 30-foot berth and one 200-square foot platform. The required maneuvering space for bringing larger 55-foot trucks to the Project would be disruptive to the circulation space on the ground floor, and it is not anticipated that the Project would have demand for 55-foot trucks. Further, the alley will not accommodate 55-foot trucks. (Ex. 1, 23C)

Public Benefits and Project Amenities

29. Based on the Applicant's written submissions and testimony before the Commission, the following public benefits and project amenities will be created as a result of the Project, in satisfaction of the enumerated PUD standards in 11 DCMR § 2403. The PUD will provide superior public benefits and project amenities in the following proffered categories from 11 DCMR § 2403.9.

- a. *Housing and Affordable Housing*

The Project will provide 152-156 new residential units in the Columbia Heights neighborhood, where housing is in high demand. This will be a net increase in housing units on the site, where 48 currently exist. Also, the Project will provide 10% of the residential GFA for units as affordable, with 8% of the gross floor area reserved for households making 50% or less of the Area Median Income ("AMI"), and 2% reserved for households making 80% or less of AMI. This will provide additional housing where it is in high demand, and affordable housing in excess of the amount required for the proposed development, to ensure that current and new residents of limited incomes are able to live in the area. (Ex. 1, 23, 23A, 59, 59B)

- b. *Urban Design, Architecture, and Landscaping*

The Project will exhibit many characteristics of exemplary urban design, including infill redevelopment, thoughtful integration into the neighborhood, innovative architecture, the use of high-quality materials, sustainable landscape and hardscape improvements, visually appealing landscaping features, large open space, and other "green" features. Indeed, the building has been designed to minimize impacts on neighboring properties while incorporating elements from the neighborhood's past. Further, the Project will preserve a portion of the

western building on the Property to give the Project authenticity and character while tying the Project to a contemporary and inventive design for a new residential building. (Ex. 1, 11, 23, 59)

c. *Site Planning, and Efficient and Economical Land Uses*

The Project will capitalize on the Property's transit-rich and retail-dense location to create much-needed market-rate and affordable housing on an underutilized site. The Project balances innovative new changes to the block with enhancing and retaining the character of the neighborhood. The Project will efficiently use the land to accommodate more apartments than currently exist, but the exemplary design will retain a sense of history and open space. The front yard setbacks and large landscaped courts will provide the open space necessary for site planning that integrates well into the neighborhood. At the same time, the construction of more housing in a walkable and transit-oriented location is a highly efficient and economical use of the Property. (Ex. 1, 11, 23, 59)

d. *Effective and Safe Vehicular and Pedestrian Access*

The circulation plan for the Project will diminish vehicular and pedestrian conflicts. All parking and loading access will occur from the public alley accessible off of Clifton Street, which runs to a large public alley behind the Property. The Project will not create any additional curb cuts at the Property. The parking facility, which contains 45 below-grade parking spaces, will be accessed off of the public alley. There will also be a 30-foot loading space accessed off of the public alley. The project will also contain a bicycle storage facility with space for at least 80 bicycles.

The Applicant's traffic impact study ("TIS") concluded that the Project will not create detrimental impacts to the transportation network. The proposed site plan contains many transit-oriented and multi-modal elements and will enhance the pedestrian environment around the site. Roadway impacts generated by new vehicular trips will be minimal and non-detrimental, in part due to a strong transportation demand and loading management plan focused on encouraging alternative modes of travel. (Ex. 23C)

The Applicant's additional alley study also concluded that the traffic from the Project is not likely to lead to significant traffic conflicts in the alley. The study found that two-way conflicts were rare and that traffic generally flowed in one direction in the alley. Further, with the Project's alley and loading demand management plan, including the restriction on loading to daytime hours, the TIS and alley study conclude that the Project will not have a detrimental impact on the alley or street vehicular traffic in the Property vicinity. (Ex. 23C, 59E)

As the TIS indicates, and DDOT confirmed, the transportation demand will be managed by the site's location near transit, car-sharing spaces, bicycle parking, pedestrian facilities, and the provision of a transportation demand and loading

management program. (Ex. 23, 23C, 46, 59B; 12/10 Tr. 80-83) In order to mitigate any possible adverse impacts from traffic generated by the project, the Applicant proposed the transportation demand management (“TDM”) plan, including a loading management plan, that incorporates DDOT recommendations. The plan includes carshare and Capital Bikeshare memberships included with tenancies. (Ex. 23, 23C, 46, 59, 59B; 12/10 Tr. 36-37)

e. *Environmental Benefits*

The new building will be designed to attain a LEED Silver rating. The Applicant’s preliminary LEED scorecard illustrates the Applicant’s goal of between 50 and 60 points. The Project will incorporate additional environmental benefits, including energy efficient lighting and appliances; low-flow plumbing fixtures; a green roof; significant landscaping; access to daylight and views; bike storage beyond what is required; recycled or local/regional materials; permeable pavers; and a high-reflectance roofing system, where applicable. (Ex. 1, 11, 11B, 23, 23A, 59B; 12/10 Tr. 32)

f. *Uses of Special Value*

Prior to and after the filing of the PUD and Zoning Map Amendment applications, representatives of the Applicant’s team engaged in significant outreach to the neighboring community. The Applicant and its design team have held many meetings with and made presentations to, ANC 1B, neighborhood residents, and other members of the community. The Applicant sought input from ANC 1B, the ANC’s Zoning, Planning, and Design Committee, and neighborhood residents about the public amenities and benefits package. The Project’s community amenities and public benefits were the result of the Applicant’s extensive discussions with these groups. The Applicant’s community benefits package, estimated at approximately \$200,000, includes the following:

- i. The Applicant will renovate the Mazique Child Development Center at Wardman Court with upgraded flooring, paint, furniture, child care equipment, and educational materials.
- ii. The Applicant will redesign and renovate the community room and commercial kitchen at the Christopher Price House Belmont Apartments to ADA standards with special focus on the needs of wheelchair-bound individuals.
- iii. The Applicant will renovate the computer lab and provide new state of the art computers and accessory technology for The Rita Bright Family & Youth Center.
- iv. The Applicant will furnish and install new exterior exercise equipment at the Columbia Heights Community Center to provide fitness facilities for teenagers and adults to focus on health and wellness.

- v. The Applicant will work with the N Street Village to co-sponsor the creation of the Miriam House Wellness and Rehabilitation Center and advance Miriam House programming. The wellness center will be a resource for physical therapy and general wellness constructed to meet the needs of those living with HIV/AIDS.
- vi. The Applicant will fund the completion of capital improvements for bathroom and kitchen renovations to one of the Samaritan Inns' residential facilities on Fairmont Street.
- vii. The Applicant will commit to pursue alley improvement and beautification projects that the community identifies, including planting trees and foliage. The Applicant will work with DDOT and city officials to plant and/or improve tree boxes in the sidewalks of the 1300 block of Clifton Street. (Ex. 1, 23, 23A, 50B; 59B; 12/10 Tr. 41-43)

g. *Employment and Training Opportunities*

The Project will generate approximately 400-500 construction jobs and two building management jobs once the Project is complete. (Ex. 11)

Comprehensive Plan

- 30. The Commission finds that the PUD advances the goals and policies in the Land Use, Transportation, Housing, Urban Design and Mid-City Area Elements of the District of Columbia Comprehensive Plan ("Plan").
- 31. The Land Use Element of the Comprehensive Plan includes the following policies advanced by the Project:
 - **Policy LU-1.3.2: Development Around Metrorail Stations** – Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.
 - **Policy LU-1.3.4: Design To Encourage Transit Use** – Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots.

- **Policy LU-1.4.1: Infill Development** – Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.
- **Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods** – Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.
- **Policy LU-2.1.10: Multi-Family Neighborhoods** – Maintain the multi-family residential character of the District’s Medium-and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.
- **Policy LU-2.2.4: Neighborhood Beautification** – Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

The Commission finds that the Project will advance the policies of the land use element. The Project will rehabilitate an overlooked and underutilized parcel of residential land in the center of a thriving multi-family residential and retail neighborhood. At the same time, the Project will conserve parts of an existing building to help retain the neighborhood character. The new building design will beautify the existing parcel and will add an attractive new building to the fabric of the neighborhood. The Project will leverage its proximity to myriad public transit options (two Metrorail stations, Metrobus routes, Capital Bikeshare stations) and a plethora of amenities and services by promoting density on the site oriented to pedestrians and cyclists. The Project will be the quintessential infill development that will allow an underutilized site to be brought to its highest and best use with new housing close to public transportation and amenities. Given its location near both Columbia Heights and the U Street/14th Street Corridor, the Project will deftly promote transit oriented development without compromising the existing nearby multifamily residential areas. (Ex. 1, 11, 11A, 23, 23B, 50; 12/10 Tr. 10, 20)

32. The Transportation Element of the Comprehensive Plan includes the following policy advanced by the Project:

- **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.
- **Policy T-2.3.3: Bicycle Safety** – Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring

private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist.

The Commission finds that the Project will advance these policies of the transportation element. The Project will make a significant contribution of new housing at a site served by mass transit and surrounded by services and amenities. The Project will be strategically located near the Yellow and Green Line's Columbia Heights and U Street-Cardozo Metrorail stations, as well as along a major transportation and Metrobus corridor (14th Street). The Property's proximity to public transportation makes it a prime location for additional density and residences. The Project design also will encourage bicycling with its substantial bike storage and repair facilities with a separate protected entrance. Altogether, the Project will encourage alternate modes of transportation by providing the infrastructure for walking, biking, and various modes of public transportation. (Ex. 1, 11, 23C, 59B; 12/10 Tr. 34-37)

33. The Urban Design Element of the Comprehensive Plan includes the following policies advanced by the Project:

- **Policy UD-2.2.1: Neighborhood Character and Identity** – Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.
- **Policy UD-2.2.5: Creating Attractive Facades** – Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.
- **Policy UD-2.2.7: Infill Development** – Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.
- **Policy UD-2.2.9: Protection of Neighborhood Open Space** – Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas.

The Commission finds that the Project will advance these policies of the urban design element. The Project design acknowledges and embraces the importance of the site location in a vibrant retail and residential neighborhood. By incorporating new construction and contemporary design with preservation of part of an existing building, the building design will relate to its location in an established neighborhood while facilitating the vibrancy and growth of the neighborhood. The PUD design will create a sense of place, while relating to the existing residential buildings nearby. As such, the design effectively incorporates elements of materials and articulation that are reminiscent of the nearby buildings while offering a contemporary design that does not try to emulate other buildings. Further, the design maintains the front setbacks and open spaces that are characteristic of the neighborhood. At the same time, the Project will have a scale, height,

and density appropriate for a site in the center of a growing and thriving residential and retail neighborhood. (Ex. 1, 11, 11A, 23, 23B, 50; 12/10 Tr. 21)

34. The Housing Element of the Comprehensive Plan includes the following policies advanced by the Project:

- **H-1.1 Expanding Housing Supply** – Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.
- **Policy H-1.1.1: Private Sector Support** – Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.
- **Policy H-1.1.3: Balanced Growth** – Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.
- **Policy H-1.2.1: Affordable Housing Production as a Civic Priority** – Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.
- **Policy H-1.3.1: Housing for Families** – Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.
- **Policy H-2.1.1: Protecting Affordable Rental Housing** – Recognize the importance of preserving rental housing affordability to the well-being of the District of Columbia and the diversity of its neighborhoods. Undertake programs to protect the supply of subsidized rental units and low-cost market rate units.

The Commission finds that the Project will advance these policies for the housing element. The Project will expand the District's housing supply in an established and growing residential neighborhood. By providing 152-156 new residential units in a neighborhood with a significant housing demand, the Project will promote multi-unit residential development objectives. The Project will produce replacement and new housing on an underutilized site in thriving residential community for all income levels. The residential building will be a high quality design and will incorporate high quality

materials. Tenants in the existing buildings will be permitted to return to the Project at their existing rents. Importantly, the Project will provide 10% of its gross floor area for affordable housing pursuant to Inclusionary Zoning. The existing buildings provide no guarantee of affordability, but the Project will provide, in perpetuity, more affordable housing – at deeper levels of affordability – than the Inclusionary Zoning regulations require. (Ex. 1, 11, 23, 23A; 12/10 Tr. 40-41)

35. The Environmental Protection Element of the Comprehensive Plan includes the following policies advanced by the Project:

- **Policy E-3.1.1: Maximizing Permeable Surfaces** – Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.
- **Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff** – Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.
- **Policy E-3.1.3: Green Engineering** – Promote green engineering practices for water and wastewater systems. These practices include design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated.
- **Policy E-3.2.1: Support for Green Building** - Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities.

The Commission finds that the Project will advance these policies of the environmental protection element. The Project incorporates many environmentally-sensitive features that will allow it to satisfy the LEED Silver standard. Such green features include green roofs, water efficient landscaping, more trees, water retention and reuse, and enhanced energy efficiency for HVAC systems and lighting. (Ex. 1, 11, 11B, 23, 50; 12/10 Tr. 32)

36. The PUD site is located in the Mid-City Area Element of the Comprehensive Plan. The Project will be consistent with the following policies and action of the Area Element:

- **Policy MC-1.1.1: Neighborhood Conservation** – Retain and reinforce the historic character of Mid-City neighborhoods, particularly its row houses, older apartment houses, historic districts, and walkable neighborhood shopping districts. The area's rich architectural heritage and cultural history should be protected and enhanced
- **Policy MC-1.1.3: Infill and Rehabilitation** – Encourage redevelopment of vacant lots and the rehabilitation of abandoned structures within the community, particularly along Georgia Avenue, Florida Avenue, 11th Street, and North Capitol Street, and in

the Shaw, Bloomingdale, and Eckington communities. Infill development should be compatible in scale and character with adjacent uses.

- **Policy UNE-1.1.7: Protection of Affordable Housing** – Strive to retain the character of Mid-City as a mixed income community by protecting the area's existing stock of affordable housing units and promoting the construction of new affordable units.

The Commission finds that the Project will advance these policies in the area element. The condition of the existing buildings on the Property is outdated, and the existing units have no guarantee of affordability. The Project will replace these substandard buildings on an underutilized parcel in a central location with a new high-quality building. The Project will conserve the character of the neighborhood by retaining a significant portion of the existing western building, which has a character that is prevalent in the neighborhood. Further, the Project will devote 10% of the gross floor area to affordable units in perpetuity, most of which will be at deep levels of affordability. All of this will contribute to the well-being of the Mid-City community. (Ex. 1, 11, 23; 12/10 Tr. 22-23, 40-41)

Government Agency Reports

37. By report dated November 30, 2015, OP recommended, subject to conditions, that the proposed PUD and related Zoning Map amendment should be approved. In its testimony at the public hearing, OP reiterated its recommendation for approval (Ex. 44; 12/10 Tr. 80)
38. OP determined that the Project and related Zoning Map amendment would not be inconsistent with the Comprehensive Plan or the Future Land Use Map. In its report, OP stated, “The proposed map amendment to the R-5-C District and the proposed density are not inconsistent with [the Medium Residential land use category] designation.” (Ex. 44; 12/10 Tr. 80)
39. By its report dated November 30, 2015, DDOT supported approval of the PUD and related Zoning Map amendment, with conditions and recommendations. At the public hearing, DDOT reiterated its support. DDOT stated that it found that the project will only “minimally increase vehicle travel delay and queues in the area.” (Ex. 46, 12/10 Tr. 80-83)
40. On February 16, 2016, DDOT submitted a supplemental report concerning the alley traffic conditions and _____ (Ex. ____.)

ANC 1B Reports

41. On December 10, 2015, ANC 1B submitted a report noting that at a duly scheduled public meeting on December 3, 2015, the ANC voted to refer the Project back to the Zoning, Preservation, and Design Committee for further review, and requested deferral to issue its full report until after that time. (Ex. 51) At the public hearing, the ANC's representatives noted that a few issues, primarily concerning the Project's impact on the

public alley, were still being resolved between the ANC and the Applicant, and that additional review by the ANC's Zoning, Preservation, and Design could help resolve such issues. (Ex. 51; 12/10 Tr. 145-46)

42. On February 9, 2016, ANC 1B submitted a new report in support of the application. The letter stated that, on February 4, 2016, at a duly-noticed meeting with a quorum present, the ANC voted 10-1-0 to support the PUD and related Zoning Map amendment application. The recommendation stated that the ANC encourages the Applicant to pursue use of private property adjacent to the alley entrance for public use and to develop a mechanism to administer its alley beautification fund. (Ex. 60.)

Persons in Support

43. Five persons testified in support of the application. Testimony was from existing residents who were happy to be returning to the new Project and from a neighbor sharing the alley who expressed pleasure with the Applicant's changes and accommodations. Additional support testimony concerned how the existing tenants were pleased with the agreement with the Applicant, how the Applicant was responsive to the adjacent building, and how approval of the Project would benefit community organizations, such as the Mazique Parent Child Center. (12/10 Tr. 109-122)
44. The Commission received twenty-four letters of support for the Project. The letters expressed support of the Project based on the Project's opportunity for residents, the proffered public amenities, the Applicant's history of commitment to the neighborhood, the appealing context-appropriate design of the Project, the elimination of run-down apartment buildings, the enhancement of open space, overall enhancement and benefit to the character of the neighborhood, the potential to draw greater amenities and create a safer environment, and the appropriateness of the new buildings' heights. (Ex. 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 49, 52, 53)

Persons in Opposition

45. At the public hearing, two persons testified in opposition to the Project. Reasons cited for opposition to the project included: the Project obstructs the view from the lower-level apartments on adjacent properties; the rear yard relief requested; infrastructure concerns; and that the development might create negative environmental consequences. (12/10 Tr. 114-119)
46. The Commission received one letter in opposition to the Project. The letter expressed concern over the Project's height, massing, and traffic impact. (Ex. 10)

Satisfaction of the PUD and Zoning Map Amendment Approval Standards

47. In evaluating a PUD application, the Commission must "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects." 11 DCMR § 2403.8. The Applicant engaged in extensive communication with ANC 1B and the ANC's Zoning, Preservation, and Design Committee to develop a specific and appropriate package of

public benefits and project amenities. Given the amount and quality of the project amenities and public benefits included in this PUD and related Zoning Map amendment application, the Commission finds that the development incentives to be granted for the Project and the related rezoning are appropriate and that the application satisfies the requirements for a PUD under Chapter 24 of the Zoning Regulations. The Commission also finds that the requested areas of flexibility from the requirements are consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations and are fully justified by the superior benefits and amenities offered by this Project.

48. Based on evidence and testimony submitted by the Applicant, the Commission finds that the Project is acceptable in all proffered categories of public benefits and project amenities and is superior in public benefits and project amenities relating to housing and affordable housing, land use, urban design, site planning, transportation, environment, and uses of special value to the neighborhood and District as a whole.
49. The Commission also credits the testimony of the Applicant and OP that the proposed PUD project and rezoning of the Property are not inconsistent with the Comprehensive Plan or the Future Land Use Map. The Project and related rezoning are consistent with medium density residential development and advance numerous policies of the Comprehensive Plan.
50. The Commission credits the written submissions and testimony of the Applicant and persons in support that the PUD, related map amendment, and community amenities package resulted from significant and inclusive community outreach and input over many months. The Commission finds that the Applicant engaged in extensive outreach with the community, particularly the Property residents, and participated in numerous meetings, phone calls, and email exchanges with many community and ANC members to solicit feedback. The Commission acknowledges that Applicant was responsive to concerns, demonstrated by the number of changes to the Project – including adjustment of the rear-yard setback, architectural refinements, and adjustments for increased privacy and view – that were direct responses to community concerns. The Commission finds that the Applicant engaged in extensive public outreach during the planning for the Project. (12/10 Tr. 15-16)
51. The Commission credits the written submissions and testimony of the Applicant and persons in support that height, size, and placement of the new building is appropriate and will not detrimentally restrict light, air, and openness on the site. The Commission is compelled by building's design and the significant amounts of open space on the site, particularly in the side courts and the front setback, to conclude that the massing of new building will be appropriate for the site and for the neighborhood. The Commission finds that the distance from Clifton Street to the building frontage is appropriate to retain the character of the neighborhood. Furthermore, the Commission is convinced that the design refinements, including upper floor setbacks, made in response to community comments will preserve the design integrity and resident privacy of the neighborhood. Based on the many enhancements and benefits that this Project will bring to the neighborhood, the Commission concludes that the Project will not have a deleterious effect.

52. The Commission credits the testimony and written submissions of the Applicant that the Project design will provide significant amounts of open space that will preserve light, air, and quality of life for the neighborhood. The Project's landscape and site design will incorporate many new features, such as alley trees, more plantings, and vertical plantings on the building that will enhance the exiting open spaces and will provide more landscaped and welcoming spaces than currently exist. The Commission concludes that the high quality of the Project and improvements in the neighborhood and community organizations that will accompany the addition of the building on the Property will significantly outweigh the additional density and height that accompany the Project.
53. The Commission credits the testimony and written submissions of the Applicant that the Project height and massing will be consistent with the character of the neighborhood. As the Applicant demonstrated, the surrounding blocks in the neighborhood, including across the street, includes multiple apartment buildings that are similar or larger in scale to the Project. (Ex. 50)
54. The Commission credits the testimony and written submissions of the Applicant that the benefits and amenities, including the substantial affordable housing provided by the Project, are appropriate in relationship to the proposed Project. The Commission credits the testimony and written submissions of OP and persons in support of the Project that assisted the Applicant in shaping the benefits and amenities package for the Project.
55. The Commission credits the testimony and written submissions of the Applicant and DDOT that the site will provide a safe traffic flow pattern for both cars and pedestrians. The Commission finds that the Project's parking garage located off of the public alley provides appropriate facilities for the demand created by the Project. Also, the Commission finds that the Project will not significantly contribute to alley congestion and that the potential for two-way conflicts in the alley is small and that the Project will not exacerbate any conflicts. Furthermore, the Project's loading management plan will limit any potential for problems or conflicts with large trucks in the alley or at the site. Additionally, due to the Property's proximity to Metrorail and Metrobus routes, the Commission finds that this Project will be a transit-oriented development that does not generate unduly high automotive travel and that the provided number of parking spaces will be sufficient to satisfy demand in the building. Finally, the robust TDM plan constructed by the Applicant will ensure the Project does not negatively impact the traffic conditions at the Property.
56. The Commission finds that through its testimony at the December 10 hearing and in its February 8 submission, the Applicant sufficiently complied with or agreed to OP's conditions of support. Accordingly, the Commission can accord OP's full support for the Project and related Zoning Map amendment.
57. The Commission finds that, through the Applicant's testimony at the December 10 hearing and through its February 8 submission, the Applicant sufficiently responded to DDOT's conditions and recommendations in its report. The Commission concludes that DDOT's full support for the Project and related Map amendment can be accorded. The Applicant agreed to the recommended TDM measures, which will reduce demand for

parking and automobiles and will address traffic concerns in the area. Based on this agreement and the Applicant's own testimony and written submissions, the Commission finds that the Project will not have an adverse impact on the transportation or parking network in the vicinity of the Project. (Ex. 59, 59E; 12/10 Tr. 80-83)

58. From evidence presented at the hearing the Commission finds that the PUD and related Zoning Map amendment will not have material adverse impacts on neighboring properties. The Commission credits the Applicant's post-hearing submission addressing alley traffic concerns and illustrating that the Project will not have an adverse impact on the area. Further, the Commission credits the Project's neighborhood context and landscaping features to demonstrate that the building heights will not cause adverse impacts on neighboring properties. Finally, the Commission credits the site planning and landscape features to demonstrate that the Project will retain the characteristics of the neighborhood. (Ex. 50, 59, 59B; 12/10 Tr. 58)
59. The Commission finds that the Applicant's submission on February 8 adequately addressed questions and issues raised during the December 10 hearing, particularly with respect to the alley conditions the Project's impacts on the alley. The Commission credits the Applicant's alley study and its review of other alley conditions, as well as the changes to the building's rear to address these concerns. (Ex. 59, 59B)

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process provides a means for creating a "well-planned development." The objectives of the PUD process are to promote "sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities." 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2.
2. Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD. 11 DCMR § 2402.5. The Commission may impose development conditions, guidelines and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment. 11 DCMR § 2405.
3. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.
4. Proper notice of the proposed PUD and related rezoning was provided in accordance with the requirements of the Zoning Regulations.
5. The development of the Project will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design not achievable under

matter-of-right standards. Here, the height, character, scale, use, and design of the proposed PUD are appropriate, and the proposed construction of an attractive residential building that capitalizes on the Property's transit-oriented location is compatible with the citywide and area plans of the District of Columbia.

6. The Applicant seeks a PUD-related zoning map amendment to the R-5-C Zone District, an increase in the maximum permitted FAR pursuant to 11 DCMR § 2405.3, and flexibility from the rear yard, side yard, parking, and loading requirements. The Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and concludes approval is warranted for the reasons detailed below.
7. The PUD is within the applicable height and bulk standards of the Zoning Regulations. The proposed height and density will not cause an adverse effect on nearby properties, are consistent with the height and density of surrounding and nearby properties, and will create a more appropriate and efficient utilization of land in a central urban location.
8. The project provides superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Property would provide. The Commission finds that the housing and affordable housing, urban design, site planning, architecture, efficient and safe vehicular and pedestrian access, environmentally-beneficial features, employment opportunities, and uses of special value all are significant public benefits. The impact of the project is acceptable given the quality of the public benefits of the Project.
9. The impact of the Project on the surrounding area and the operation of city services will not be unacceptable. The Commission agrees with the conclusions of the Applicant's traffic expert and DDOT that the proposed project will not create adverse traffic, parking, or pedestrian impacts on the surrounding community, including on the alley. The application will be approved with conditions to ensure that any potential adverse effects on the surrounding area and the alley from the Project will be mitigated.
10. Approval of the PUD and rezoning is not inconsistent with the Comprehensive Plan. The Project will advance numerous goals and policies of the Comprehensive Plan in the Land Use Element, Housing Element, Urban Design, and other citywide elements and policies as well as policies in the Mid-City Area Element, as delineated in the OP report.
11. The proposed PUD-related Zoning Map amendment to the R-5-C zone is not inconsistent with the Property's designation on the Future Land Use Map. The Commission agrees with the determination of OP and finds that the R-5-C zone in this case is congruent with the Medium Density Residential land use category in the Comprehensive Plan. The R-5-C Zone District is included in the definition of Medium Density Residential in the Framework Element of the Comprehensive Plan. Thus, the proposed R-5-C zone is appropriate for the Property and its Future Land Use Map designation.

12. The Project's height, massing, and use are not inconsistent with the Future Land Use Map, Generalized Policy Map, or the Comprehensive Plan. The Project will preserve residential use on the Property, as identified on the Generalized Policy Map. Further, the Project's density and height are at and below those permitted by a R-5-C PUD. Since the R-5-C zone is squarely consistent with Medium Density Residential use, the proposed height and density are not inconsistent with the Future Land Use Map. Accordingly, the Commission concludes that the Project's height and density are not inconsistent with the Comprehensive Plan.
13. The PUD and rezoning for the Property will promote orderly development of the Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
14. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. OP recommended approval and, accordingly, the Commission concludes that approval of the consolidated PUD and related rezoning should be granted.
15. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. The Commission accorded the issues and concerns raised by ANC 1B the “great weight” to which they are entitled, and in so doing fully credited the unique vantage point that ANC 1B holds with respect to the impact of the proposed application on the ANC’s constituents. ANC 1B recommended approval, and the Commission credits this recommendation.
16. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

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 this application for Consolidated Review of a Planned Unit Development and related Zoning Map amendment to the R-5-C zone for the Subject Property. The approval of this PUD is subject to the following conditions:

Project Development

1. The Project shall be developed in accordance with the plans marked as Exhibits 11A, 23B, and 59A of the Record, as modified by guidelines, conditions, and standards herein (collectively, the “Plans”).
2. The Property shall be rezoned from R-5-B to R-5-C. Pursuant to 11 DCMR § 3028.9, the change of zoning shall be effective upon the recordation of the covenant discussed in Condition No. 11.
3. The rear of the Project will include a green wall, featuring cascading greenery.

4. 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, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - B. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction;
 - C. To vary the final selection of landscaping materials utilized, based on availability and suitability at the time of construction;
 - D. To vary the final streetscape design and materials, including the final design and materials, in response to direction received from District public space permitting authorities;
 - E. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings, trim, louvers, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems; and
 - F. To vary the number of residential units between 152-156 and accordingly adjust the number and location of affordable units to reflect the final unit mix of the Project.

Public Benefits

5. The Applicant shall set aside 10% of the residential gross floor area of the Project for affordable housing units as follows: 8% of the residential gross floor area shall be reserved for units available to households earning at or below 50% of the area median income (“AMI”). Two percent (2%) of the residential gross floor area shall be reserved for units available to households earning at or below 80% of the AMI.
6. The Project shall be designed to achieve a LEED Silver certification, but the Applicant shall not be required to obtain LEED Silver certification from the U.S. Green Building Council.
7. Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall complete or provide the following:
 - A. The Applicant will renovate the Mazique Child Development Center at Wardman Court with upgraded flooring, paint, furniture, child care equipment, and educational materials.

- B. The Applicant will redesign and renovate the community room and commercial kitchen at the Christopher Price House – Belmont Apartments to ADA standards with special focus on the needs of wheelchair bound individuals.
- C. The Applicant will renovate the computer lab and provide new state of the art computers and accessory technology for the Rita Bright Family & Youth Center.
- D. The Applicant will furnish and install new exterior exercise equipment at the Columbia Heights Community Center to provide fitness facilities for teenagers and adults to focus on health and wellness.
- E. The Applicant will work with N Street Village to co-sponsor the creation of the Miriam House Wellness and Rehabilitation Center and/or advance Miriam House programming.
- F. The Applicant will fund the completion of capital improvements (bathroom and kitchen renovations) at one of Samaritan Inns' residential facilities on Fairmont Street. The Applicant also will finish any incomplete improvements to site fencing at Samaritan Inns' Euclid Street facility.
- G. The Applicant will install alley improvement and beautification projects that the community identifies, including planting trees and foliage. Aria will work with DDOT and city officials to plant and/or improve tree boxes in the sidewalks of the 1300 block of Clifton Street. The Applicant will spend at least \$10,000 on these projects.

Mitigation

- 8. The Applicant shall provide the following transportation demand management (“TDM”) measures:
 - A. *Transportation Management Coordinator (TMC)*. A member of the property management group would be a point of contact and would be responsible for coordinating, implementing, and monitoring the TDM strategies. This would include the development and distribution of information and promotional brochures to residents and visitors regarding transit facilities and services, pedestrian and bicycle facilities and linkages, ridesharing (carpool and vanpool) and car sharing. In addition, the TMC would be responsible for ensuring that loading and trash activities are properly coordinated and do not impede the pedestrian, bicycle, or vehicular lanes adjacent to the development, including the existing alley located behind the proposed building. The contact information for the TMC would be provided to DDOT/Zoning Enforcement with annual contact updates.

- B. A TransitScreen will be installed in the residential lobby to keep residents and visitors informed on all available transportation choices and provide real-time transportation updates.
- C. The TMC will establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit. An effective marketing strategy should consist of a multi-modal access guide that provides comprehensive transportation information. This information can be compiled in a brochure for distribution. The marketing program should also utilize and provide website links to CommuterConnections.com and goDCgo.com, which provide transportation information and options for getting around the District.
- D. *Transportation Incentives.* To help encourage non-auto transportation uses, the Applicant will offer the first occupant of each residential unit with an annual carsharing membership and an annual Capitol Bikeshare membership for a period not to exceed three years to help alleviate the reliance on personal vehicles. These incentives will be included in a move-in transportation package that includes brochures for transit facilities as well as bicycle and car sharing services for the first occupant of each residential unit.
- E. The Applicant will unbundle the cost of renting a parking space from the cost of renting a residential unit in the Project.
- F. The Applicant will encourage all alternative transportation modes including bicycling. Bicycling will be promoted with the provision of on-site outdoor temporary and secure indoor long-term bicycle parking spaces. The secure indoor long-term bicycle parking spaces will be provided in a bicycle storage room that will also include a bicycle repair station. The marketing program will include brochures on bicycling in the District and for Capital Bikeshare.

9. The Applicant shall implement the following loading management plan:

- A. Tenants will be required to coordinate and schedule deliveries, and a loading coordinator will be on duty during delivery hours.
- B. Trucks accessing the on-site loading space will be limited to a maximum of 24 feet in length. Any truck larger than 24 feet in length will be required to obtain temporary parking restrictions along Clifton Street and load from the curb.
- C. All tenants will be required to schedule any loading operation conducted using a truck greater than 24 feet in length.
- D. Deliveries will be scheduled such that the loading space's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the loading space is full, that driver will be directed to return at a later time when the

loading space will be available so as to not impede the alley that passes adjacent to the loading space.

- E. Inbound and outbound truck maneuvers will be monitored to ensure that trucks accessing the loading space do not block vehicular traffic along the alley except during those times when a truck is actively entering or exiting the loading space and alley.
- F. Trucks using the loading space 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.
- G. The loading dock operation will be limited to daytime hours of operation, with signage indicating these hours posted prominently at the loading space with notification also given to tenants. The loading space will be open seven days a week from 9:00 AM to 5:00 PM so as not to conflict with commuter traffic entering and exiting the alley. The Applicant will prohibit trucks from accessing the loading docks outside of these times.

10. If parking spaces are unused and available in the building, then the Applicant will offer to lease up to 10 unused spaces to residents of Square 2866. Unused spaces cannot be leased to anyone outside the building other than residents of Square 2866.

Miscellaneous

- 11. No building permit shall be issued for this project until the owner of the Property has recorded a covenant among the land records of the District of Columbia between the owners 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 construction or use the Property in accordance with this Order and any amendment thereof by the Zoning Commission.
- 12. The application approved by this Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for the building permit as specified in 11 DCMR § 2409.1.
- 13. 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.
- 14. 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, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which 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 denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

On February 29, 2016, the Zoning Commission **APPROVED** the application for the PUD and related Zoning Map amendment by a vote of _____.

On _____, the Zoning Commission **ADOPTED** this Order to approve the PUD, related Zoning Map amendment by a vote of _____.

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on _____.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA B. BARDIN
DIRECTOR
OFFICE OF ZONING