

Zoning Commission Case No. 15-07: Proposed Conditions of Approval
October 8, 2015

Project Development

1. The Project shall be developed in accordance with the architectural drawings submitted into the record on _____ as Exhibits _____, as modified by the guidelines, conditions, and standards herein (collectively, the "Plans").
2. The Project shall have flexibility from the rear yard, roof structure, lot occupancy, retail, parking and loading requirements as shown on the Plans.
3. The Applicant shall utilize a glazing that minimizes reflectivity on the south-facing windows of the building.
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 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 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 location of the affordable units so long as the proffered levels of affordable housing remain the same and Section 2605.6 is satisfied;
 - d. To make minor refinements to exterior details, dimensions, and locations, including belt courses, sills, bases, cornices, railings, balconies, trim, frames, mullions, spandrels, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or are needed to address the structural, mechanical, or operational needs of the building uses or systems;
 - e. To vary the size, location and design features of the retail spaces to accommodate the needs of specific retail tenants, so long as the retail spaces maintain a minimum six foot depth of view for at least 50% of the area between three and eight feet above grade;
 - f. To modify the size and location of the ANC storage room so long as it is at least 100 square feet in size and is located on-site.

Parking and Loading Mitigation

1. The Applicant will adhere to the terms of the Transportation Demand Management and Loading Management plans detailed in Exhibit 31(D) of the record.

2. All trucks accessing the 24 foot loading space will be required to enter and exit the alley system from 4th Street.
3. Prior to issuance of a certificate of occupancy, the Applicant will provide four short term bicycle racks on H Street and two short term bicycle racks on 4th Street.

Construction

1. Prior to issuance of a building permit for the Project, the Applicant shall enter into a Construction Management Plan (“CMP”) with the Capitol Place Homeowners Association (“CPHOA”). The CMP shall include terms requiring the Applicant to provide the contact information for the construction manager, ensure the public alley is regularly cleaned and maintained and that circulation through the alley will not be obstructed except during the period that the Applicant undertakes utility work in the alley; and confirm that construction workers will be required to park off-site. The CMP shall also require the Applicant to provide an excavation schedule and advance notice of pile driving.
2. Prior to issuance of a building permit for the Project, the Applicant shall coordinate with the CPHOA regarding the removal and replacement of the brick wall located along the Project’s southern property line. The Applicant shall provide fencing and/or security during the period any portion of the wall is removed.

Benefits and Amenities

1. The Applicant will adhere to the terms of the Transportation Demand Management and Loading Management plans detailed in Exhibit 31(D) of the record.
2. Prior to issuance of a certificate of occupancy, the Applicant shall reconstruct the east-west alley abutting the southern property line of the Project using porous concrete.
3. Prior to issuance of a certificate of occupancy, the Applicant shall clear the drain located in the east-west alley abutting the southern property line of the Project as well as the drain located in the north-south alley to the south of the Project.
4. Prior to issuance of a certificate of occupancy, the Applicant shall improve alley lighting to 3.3 foot candles.
5. Prior to issuance of a certificate of occupancy, the Applicant shall replace one street tree on H Street that is currently dead.
6. Prior to issuance of a certificate of occupancy, MRP agrees to retain a landscape architect for the purpose of creating a master landscape plan for the CPHOA, to be approved by the CPHOA, whose approval is not to be unreasonably withheld;
7. In coordination with the landscape architect, the Applicant agrees to the following:

- a. installation of a new irrigation system for the CPHOA (water taps and drains to be determined by CPHOA);
- b. installation of 3 new trees in CPHOA;
- c. replace CPHOA railroad ties for planting beds with decorative concrete;
- d. installation of 3 new lights to be installed to replace existing lights on CPHOA property;
- e. installation of a new street tree in front of 769 3rd Street; and
- f. improve tree boxes on 3rd Street between H and G Streets.

It is understood that the items listed in paragraphs (6) and (7) shall not exceed a combined total of \$50,000; CPHOA shall be permitted to prioritize the items in subsections 7(a)-(f), with the understanding that some items may not be completed due to the stated monetary cap. Subsections 7(a)-(f) shall be completed pursuant to the timeline set forth by the landscape architect in coordination with the CPHOA.

8. Prior to issuance of a certificate of occupancy, the Applicant shall remove the utility pole in the alley and reroute the low voltage wires.
9. One percent of the residential gross floor area shall be reserved for households with an annual gross income that is no greater than 50% of the Area Median Income (“AMI”), per Exhibit 31.
10. One percent of the residential gross floor area shall be reserved for households with an annual gross income that is no greater than 60% of the AMI, per Exhibit 31.

Miscellaneous

1. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA and no building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two (2) years from the effective date of Zoning Commission Order No 15-07. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1, the filing of the building permit application will vest the Zoning Commission Order. Construction of the project must commence within three (3) years of the effective date of Zoning Commission Order No 15-07.
3. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code §§ 2-1401 01 et al (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, familial responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.