

David M. Avitabile
davitable@goulstonstorr.com
(202) 721-1137(tel)

Meghan Hottel-Cox
mhottel-cox@goulstonstorr.com
(202) 721-1138(tel)

May 20, 2019

VIA IZIS AND HAND DELIVERY

Anthony Hood, Chairman
District of Columbia Zoning Commission
441 4th Street, NW
Suite 200-S
Washington, DC 20001

**Re: Z.C. Case No. 17-21 – Application of As You Like It LLC (the “Applicant”)
for Approval of a Consolidated Planned Unit Development and Zoning Map
Amendment for Lot 52 in Square 498 (the “Property”)
Applicant’s Revised Proffer Submission**

Dear Chairman Hood and Members of the Commission:

On behalf of the Applicant, we hereby set forth the revised conditions relating to the project that are both specific and enforceable, pursuant to 11-X DCMR §§ 308.8-308.10. The revised proffers reflect changes based on OAG comments as follows:

- Added a condition requiring confirmation that streetscape and public space improvements are constructed prior to COO.
- Modified language to reframe commitments as by “Applicant.”
- Revised PTA condition per OAG input.

The changes are shown in redline. In addition to the foregoing, the Applicant proposes the following information be integrated into Finding of Fact 25(d), per OAG request:

“The Applicant indicated that a matter-of-right project in the existing R-3 Zone District would yield approximately 12 rowhouses, including 1 affordable townhouse, factoring in frontage and site access requirements and assuming that the total number of rowhouse is not reduced to 9 rowhouses to avoid an IZ requirement altogether. (Exhibit 2.) Accordingly, the amount of housing and affordable housing that exceeds matter of right development is considered to be a public benefit of the PUD.”

4816-7358-4535.1

<u>Proffered Benefit</u>	<u>Proposed Condition</u>
<p data-bbox="220 474 518 527"><u>Superior urban design and architecture</u></p> <p data-bbox="220 548 518 600"><u>Site Planning and efficient and economical land utilization</u></p> <p data-bbox="220 621 518 674"><u>Streetscape and public realm improvements</u></p>	<p data-bbox="534 474 813 495">A. <u>Project Development</u></p> <ol style="list-style-type: none"> <li data-bbox="542 527 1040 705">1. The Project shall be developed in accordance with the architectural plans and drawings submitted on March 8, 2019 marked as Exhibits 39E of the record, and as modified by Exhibits 52D – 52H, and 58B of the record (collectively the “Plans”). <li data-bbox="542 737 1040 915">2. The Property shall be rezoned from the R-3 Zone District to the MU-4 Zone District. Pursuant to 11-X DCMR § 311.4, the change in zoning shall be effective upon the recordation of the covenant discussed in Condition No. E.1. <li data-bbox="542 947 1040 1062">3. The Applicant shall have flexibility from the lot occupancy, rear yard, closed court, and penthouse requirements of the Zoning Regulations as shown on the Plans. <li data-bbox="542 1094 1040 1644">4. The Applicant shall have flexibility with the design of the PUD in the following areas: <ol style="list-style-type: none"> <li data-bbox="574 1167 1040 1377">a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the Plans; <li data-bbox="574 1409 1040 1566">b. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the Plans; <li data-bbox="574 1587 1040 1644">c. To make minor refinements to the locations and dimensions of exterior

	<p>details that do not substantially alter the exterior configuration of the building or design shown on the Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;</p> <ul style="list-style-type: none">d. To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%), except that the number of affordable housing units and the square footage reserved for affordable housing shall not be reduced;e. To make refinements to the approved parking configuration, including layout and percentage of compact spaces, except that the number of parking spaces shall not be reduced;f. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; andg. 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 DC Water, DDOT, DOEE, DCRA, or other 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 a minimum GAR of 0.3
--	--

	<p>and install solar panels on a minimum of 830 square feet of roof area;</p> <ul style="list-style-type: none"> i. To vary the final design and layout of the mechanical penthouse 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 and layout of the indoor and outdoor residential amenity spaces to reflect their final design and programming; k. To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations. l. To install a potential mural on the Annex building in the location shown on the drawing dated April 15, 2019 and marked as Exhibit 58A of the Record. <p>5. <u>For the life of the Project</u>, Developer<u>the Applicant</u> will reserve the Residential Component as for-sale units.</p> <ul style="list-style-type: none"> a. During the initial unit sales effort and to the extent that it is economically feasible at currently projected average sales prices of \$720,000 per unit, the Developer<u>Applicant</u> shall impose leasing and resale restrictions to insure that a
--	---

	<p>minimum of 90 percent of the Residential Component units of the Project are sold to purchasers who intend to occupy the units as their primary residence(s). The future condominium documents and bylaws shall include a provision that no less than 80 percent of condominium units in the Residential Component of the Project shall be owner-occupied at any time.</p> <p>b. Rentals through Airbnb or other such short term rentals shall be prohibited in the condominium documents and bylaws.</p> <p>c. Compliance with the above restrictions shall be demonstrated through evidence submitted by Developer<u>the Applicant</u> prior to the issuance of a certificate of occupancy.</p> <p>6. <u>For a minimum period of twenty years beginning from the date of the issuance of the first certificate of occupancy for the Project, STC<u>the Applicant</u> shall cause the nonresidential portion of the STC Component to be reserved for use by STC as office, rehearsal, and education uses as well as a costume shop.</u></p> <p>a. STC<u>The Applicant</u> shall not cause or permit the STC Component to be used for retail activity, other than customary and incidental sales related to the mission of STC or another institutional user.</p> <p>b. STC<u>The Applicant</u> shall not cause or permit the STC Component to be used for set fabrication activity.</p> <p>c. STC<u>The Applicant</u> shall not cause or permit the STC Component to include a black-box theatre or similar dedicated</p>
--	--

performance space, though the rehearsal and educational spaces may be used for occasional performances related to STC's other programs.

7. **For a minimum period of twenty years beginning from the date of the issuance of the first certificate of occupancy for the Project.** ~~STC~~the Applicant shall cause the housing portion of the STC Component ("STC Housing Component") to be reserved as housing for STC actors, fellows, and other staff. ~~STC~~The Applicant shall be permitted to also make available the STC Housing Component as housing for other arts organizations. The STC Housing Component may be used for short term housing for the above persons and organizations; notwithstanding the foregoing, ~~STC~~the Applicant shall not cause or permit the STC Housing Component to include rentals through Airbnb or other such short term rentals.
- a. During the initial twenty-year period described above, ~~STC~~the Applicant shall be permitted to sell all or a portion of the STC Housing Component, but in the event that ~~STC~~the Applicant sells such component during this period, the STC Housing Component shall only be sold for use as for-sale housing consistent with Condition 4 of this Order and such units and any related condominium association shall be subject in all respects to the terms and conditions of this Order.
- b. In the event that ~~STC~~the Applicant sells or leases all or a portion of the STC Component of the Project after the expiration of the twenty-year period,

	<p>STC<u>The Applicant</u> shall first cause the purchaser(s) and/or lessee(s) to enter into a written agreement whereby the purchaser(s) and/or lessee(s) acknowledges and agrees that the STC Component will remain as a mix of office, arts/design/creation, educational, housing, or similar institutional uses.</p>
<p><u>Affordable Housing</u> <u>Three Bedroom Units</u></p>	<p>B. Public Benefits</p> <p>1. <u>Affordable Housing.</u></p> <p>a. <u>For the life of the Project</u>, the Applicant shall set aside a minimum of 8% of the residential gross floor area of the Project (approximately 6,831 square feet of gross floor area) as Inclusionary Zoning Units in accordance with Subtitle C of the Zoning Regulations for households earning up to 80% of the Median Family Income, as set forth in the chart below (see chart after Proffers table).</p> <p>b. At least three Inclusionary Zoning Unit shall be three-bedroom units and at least one Inclusionary Zoning Unit shall be a two-bedroom unit;</p> <p>c. The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this Condition;</p> <p>d. Developer<u>The Applicant</u> will work with the D.C. Department of Housing and Community Development to include the Amidon-Bowen Parent Teacher Association as well as teachers and other staff at public schools within ANC 6D as</p>

	a part of the marketing efforts for the Project's affordable housing.
<u>Environmental and sustainable benefits</u> LEED v. 2009 Gold Solar Panels EV Car-Charging Stations	2. <u>Prior to the issuance of the first Certificate of Occupancy for the Project</u> , the Applicant shall provide the Zoning Administrator with evidence that the Project is on track to secure Gold certification or higher from the U.S. Green Building Council under the LEED-2009 rating system. Within 12 months after the issuance of the first certificate of occupancy for the Project, the Applicant shall submit evidence to the Zoning Administrator that it has secured such Gold certification. 3. <u>Prior to the issuance of a Certificate of Occupancy</u> , the Applicant shall demonstrate that it has designed and constructed solar arrays located on a minimum of 830 square feet of the roof area of the Project. 4. <u>Prior to the issuance of a Certificate of Occupancy</u> , the Applicant shall demonstrate that it installed at least two (2) electric vehicle charging stations in the garage.
<u>Uses of Special Value</u> <u>Streetscape and Public Realm Improvements</u> Construction of Bumpouts Introduction of Public Art Arts partnership with Waterfront Village Discounted STC tickets for Southwest residents Contribution to Amidon-Bowen Parent Teacher Association	5. <u>Streetscape Improvements.</u> a. <u>Prior to the issuance of a certificate of Occupancy for the Project and subject to approval by DDOT, the Applicant shall provide evidence to the Zoning Administrator that it has constructed the streetscape and public space improvements shown on pages 4.1 to 4.5 of the Plans.</u> 5.6. <u>Bumpouts.</u> a. <u>Prior to the issuance of a certificate of occupancy for the Project and subject to approval by DDOT, Developer the Applicant</u> agrees to design and install

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: No underline

“bumpouts” along 6th Street between G Street and I Street as shown in Exhibit 52D, to slow vehicular traffic, discourage “cut-through” traffic, and improve pedestrian safety crossing 6th Street

6.7. Public Art

- a. **Prior to the issuance of a certificate of occupancy for the Project and for so long as STC is located within the Project, STCthe Applicant** shall develop and install the “art panels” along I Street as shown on the Plans subject to approval by the Public Space Committee.

7.8. Waterfront Village

- a. **Following the issuance of this Order and the adjudication of any appeals or expiration of the appeals period and for a minimum of twenty years, STCthe Applicant** will partner with the Waterfront Village to provide access to STC performances. Twice a year, **STCthe Applicant** will provide the Village with a minimum of thirty tickets to an STC performance, make available transportation to and from the performance, and provide pre- and/or post-show discussions with STC education staff, artistic staff, or actors.

8.9. Southwest Night STC Performances

- a. **Following the issuance of this Order and the adjudication of any appeals or expiration of the appeals period and for a minimum of twenty years, STCthe Applicant** will create a “Southwest Neighbors” performance for each STC show (i.e. a minimum of six times per

	<p>year), for which all Southwest residents will be able to purchase deeply discounted tickets (no greater than 33% of regular price). STC<u>The Applicant</u> shall designate a staff person to be responsible for working with ANC 6D and the Amidon-Bowen and Jefferson Academy PTAs to publicize the event.</p> <p><u>9.10. Amidon-Bowen Parent Teacher Association</u></p> <p>a. Not more than 90 days after the issuance of the final order approving the Development and the adjudication of any appeals or expiration of the appeals period, Developer<u>the Applicant</u> shall contribute \$50,000 via check to the Amidon-Bowen Parent-Teacher Association to fund after-school programs and related facility improvements at Amidon-Bowen Elementary School, with the final programs and improvements to be selected by the PTA. Compliance with this condition shall be demonstrated through evidence submitted by Developer<u>the Applicant</u> prior to the issuance of a Certificate of Occupancy that (1) Developer<u>the Applicant</u> has completed the contribution to the PTA and (2) the after-school programs and improvements have been or are being provided.</p>
<p><u>Southwest Neighborhood Association Agreement</u></p>	<p>C. Benefits Outlined in Southwest Neighborhood Assembly Agreement</p> <p>1. <u>Following the issuance of this Order and the adjudication of any appeals or expiration of the appeals period and for a minimum period of twenty years.</u> STC<u>the</u></p>

Applicant shall provide the following benefits:

- a. Make available "District Shakespeare" events and activities to Jefferson Academy Middle School, including at least 100 tickets for one performance annually, transportation to and from the performance, pre-show workshops, and professional development for teachers.
- b. Provide invitations to Jefferson Academy and Amidon-Bowen Elementary School to STC's performances of *A Mini Midsummer Night's Dream* and *The Tiny Tempest*.
- c. Invite classes from Amidon-Bowen and Jefferson, as well as community associations, for annual tours of the Lansburgh Theatre, Sidney Harman Hall, and the Project (once completed).
- d. Reserve four (4) gift certificates for tickets, adult Master Acting Classes, or Camp Shakespeare annually for the Amidon-Bowen PTA and the Jefferson Academy PTA, for PTA special events and raffles, which will be provided upon appropriate request made by organizers of such events to STC and subject to availability (i.e. 2 gift certificates for each program per PTA, annually).
- e. Coordinate with the Ward 6 Councilmember's office to distribute free tickets to Ward 6 Night Free for All performances at Sidney Harman Hall. Provide tickets for up to 200 residents of Ward 6 annually.

	<ul style="list-style-type: none"> <li data-bbox="565 422 1036 541">f. Provide Southwest Community educators priority invitations to Teacher Appreciation Night at Sidney Harman Hall. <li data-bbox="565 569 1036 751">g. Make available at least 10 discounted tuition/scholarship spots for Adult Master Acting Classes and Camp Shakespeare for members of the Southwest Community who apply for such discounted tuition by the advertised deadline for same; <li data-bbox="565 779 1036 898">h. Reserve free tickets, annually, to the Academy of Classical Acting Night showcase performances for the Southwest Community. <li data-bbox="565 926 1036 1108">i. An STC representative will serve on the Duck Pond Advisory Group and, based on the direction of the Advisory Group, STC shall assist and participate in programming of arts events at the Duck Pond. <li data-bbox="565 1136 1036 1255">j. Advertise in the Southwester newspaper with at least 4 one-half page advertisements per year (or the equivalent thereof) for a minimum period of 4 years. <li data-bbox="565 1283 1036 1549">k. Provide an annual monetary contribution of \$2,500 to the SW ArtsFest for a minimum period of 5 years. In the event that the SW ArtsFest is not held, the contribution shall be reallocated to the Southwest Business Improvement District (SW BID) for improvements to or programming at the Greater Duck Pond/Arts Walk.
--	--

	<ol style="list-style-type: none"> 1. Compliance with the above requirements shall be demonstrated through the report set forth in Condition D.9 2. <u>Following the issuance of a certificate of occupancy for the Project</u>, STC<u>the Applicant</u> shall provide the following benefits: <ol style="list-style-type: none"> a. Provide an Open House at the Project for the Southwest community (including evening tours of the costume shop and rehearsal spaces, with activities for families). b. When such spaces are not in use by STC, STC shall make available assembly spaces and/or conference rooms, education space, or rehearsal space in the Project to organizations of the Southwest community during reasonable weekday evening and weekend daytime hours for community meetings with no room rental charges, provided STC staff is available to open and close the space during the requested meeting time. c. Compliance with the above requirements shall be demonstrated through the report set forth in Condition D.9.
<u>Mitigations</u>	<p>D. Mitigations</p> <ol style="list-style-type: none"> 1. <u>Trash</u> <ol style="list-style-type: none"> a. The Condo Association and STC Applicant shall ensure that the Project will utilize a vendor that undertakes all trash and recycling pickup no more than twice a week.

	<ul style="list-style-type: none">b. The Condo-Association and STC Applicant shall ensure that trash and recycling collection hours will be limited to 10:00 AM to 4:00 PM, Monday through Friday. There will be no trash or recycling collection on weekends.c. The Condo-Association and STC Applicant shall ensure that trash and recycling collection will take place within the Private Driveway rather than in the building's loading dock. <p>2. <u>Deliveries and Loading</u></p> <ul style="list-style-type: none">a. STC-The Applicant shall ensure that the Project will reserve one space within the garage to accommodate the van used for costume shop deliveries.b. The Condo-Association and STC Applicant shall ensure that all other deliveries and moving activity will occur within the loading dock. Deliveries will be limited to 9:00 AM to 5:00 PM. Except in case of an emergency, service vehicles shall be limited to 7:00 AM to 8:00 PM.c. The Condo-Association and STC Applicant shall ensure that all service, delivery, and moving trucks utilizing the loading dock will be limited to 30-foot box trucks or smaller vehicles. <p>3. <u>Noise</u></p> <ul style="list-style-type: none">a. The Condo-Association Applicant shall ensure that access to the rooftop terrace of the Project will be limited to 7:00 AM to 10:00 PM on Sunday through Thursday and
--	---

7:00 AM to 11:00 PM on Friday and Saturday.

- b. No amplified music through a loudspeaker will be permitted on the rooftop at any time.

4. Parking

- a. ~~Developer~~The Applicant and ~~STC~~ shall ensure that the Project will include 40 on-site parking spaces, including 25 parking spaces for the condominium units and 15 spaces for STC.
- b. ~~STC~~The Applicant will ensure that STC staff will also have access to a minimum of 15 off-site parking spaces for daytime parking use by STC, either at Arena Stage or at a similar nearby garage.
- c. ~~STC~~The Applicant will notify all guests attending classes, workshops, or events at the site that street parking is extremely limited, and ~~STC~~the Applicant will provide information on transit alternatives as well as on nearby parking garages.
- d. ~~Developer~~The Applicant will include a provision in all condominium documents advising potential purchasers that the properties will not be eligible for participation in the Residential Parking Permit (“RPP”) program.

5. Curbside Management

- a. ~~Developer~~The Applicant and ~~STC~~ will work with DDOT to implement the curbside management plan included in Exhibit 52C, which will accommodate STC’s building entrance and summer camp pickup/drop off needs without reducing the number of RPP

spaces on 6th Street and without reducing the number of RPP spaces on I Street by more than two spaces.

6. Pets

- a. ~~Developer~~The Applicant shall incorporate a "pet relief area" into the Project to be located on the roof of the Project.
- b. ~~Developer~~The Applicant shall ensure that the condominium documents and by-laws require maintenance of the "pet relief area" in the Project.

7. Litter and Maintenance

- a. Prior to the commencement of construction of the Project, ~~Developer~~The Applicant shall:
 - i. Conduct patrols and site visits three times a week.
 - ii. Ensure that the sidewalks adjacent to the Property are shoveled and/or treated the morning after any snow or ice event.
 - iii. Provide the name and contact number of its property management person responsible for the Property to UNSW and to ANC 6D.

8. Construction Management

- a. ~~Developer~~The Applicant will adhere to the Construction Management Plan included in Exhibit 52C as supplemented by the CMP Addendum included in Exhibit 58A of the Record.

9. Reporting

	<p>a. Report Point for Neighborhood Comment</p> <p>i. The Applicant shall ensure that <u>STC and the Condo Association each will</u> establish and maintain a point of contact to ANC 6D, UNSW, Amidon-Bowen, and Jefferson Academy.</p> <p>ii. The Condo Association will establish and maintain a point of contact to ANC 6D, UNSW, Amidon-Bowen, and Jefferson Academy.</p> <p>b. For a minimum of twenty years and for so long as STC is located within the Project, the Applicant shall ensure that <u>STC shall</u> provide ANC 6D with a written, publicly available annual report with respect to the Public Benefits outlined in Conditions B(3) – B(6) above. STC shall continue to evaluate and develop meaningful ways to enhance or supplement these programs based on suggestions and feedback received from ANC 6D, UNSW, the Amidon-Bowen and Jefferson Academy PTAs, and other stakeholders, and STC shall be permitted to modify these programs only as necessary or appropriate to increase efficacy.</p>
<p><u>Effective and Safe Vehicular and Pedestrian Access and Transportation Management Measures</u></p>	<p>10. <u>Transportation Conditions from DDOT</u></p> <p>a. <u>For the life of the Project</u>, the Applicant shall provide the following transportation demand management (“TDM”) measures:</p> <p>i. The Applicant will identify a TDM Leader (for planning, construction, and operations). The TDM Leader will work with residents and tenants of the building to distribute and market various transportation alternatives and options. This includes providing TDM materials to new residents and tenants in a welcome</p>

	<p>package. At a minimum, the Welcome Package will include the Metrorail pocket guide, Capital Bikeshare coupon or rack brochure, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map.</p> <ul style="list-style-type: none"><li data-bbox="548 625 1024 806">ii. The Applicant will provide TDM leader contact information to DDOT and goDCgo (info@godcgo.com), for both residential and Shakespeare uses, and report TDM efforts and amenities to goDCgo staff once per year.<li data-bbox="548 835 1024 953">iii. TDM Leaders will receive TDM training from goDCgo to learn about the TDM conditions for this project and nearby available options.<li data-bbox="548 982 1024 1100">iv. The Applicant will post all TDM commitments online, publicize availability, and allow the public to see what commitments have been promised.<li data-bbox="548 1129 1024 1226">v. The Applicant will provide website links to CommuterConnections.com and goDCgo.com on property websites.<li data-bbox="548 1255 1024 1415">vi. The Applicant will exceed the Zoning Regulations' requirements for bicycle parking. This includes secure 67 long-term bicycle parking spaces and 16 short-term exterior bicycle parking spaces around the perimeter of the site.<li data-bbox="548 1444 1024 1541">vii. The long-term bicycle storage room will accommodate non-traditional sized bikes including cargo, tandem, and kids' bikes.
--	--

	<p>viii. The Applicant will install a bicycle repair station within the long-term bicycle storage room.</p> <p>ix. The Applicant will install Transportation Information Center Displays (electronic screens) within the residential and Shakespeare Theater Company lobbies.</p> <p>x. The Applicant will host a transportation event for residents, employees, and members of the community once per year for the first three (3) years after the opening of the building. These could include a walking tour of local transportation options, transportation fair, WABA Everyday Bicycling Seminars, etc.</p> <p>The following TDM components apply to the Residential Component:</p> <p>xi. The Applicant will unbundle all parking from the cost of the lease or purchase of residential units. Parking costs will be set at the average market rate within a ¼ mile, at a minimum.</p> <p>xii. The Applicant will provide 5 shopping carts for resident use to run errands and for grocery shopping.</p> <p>The following TDM components apply to the STC Component:</p> <p>xiii. The Applicant will install a minimum of two (2) showers and four (4) lockers for use by employees and actors.</p>
--	---

	<p>xiv. The Applicant will provide a ride-matching program for employees and actors.</p> <p>xv. The Applicant will post “getting here” information on the arts/culture tenant website for attendees/visitors that includes information about how to travel to the site via Metro, biking, and walking. A printable map should also be available and goDCgo can assist with this effort. “Getting here” information will also be disseminated during registration for Shakespeare classes and educational events.</p> <p>b. <u>For the life of the Project</u>, the Applicant shall provide the following parking management plan:</p> <p>i. Residents must purchase parking spaces in the garage. These spaces will be numbered such that residents have a designated space within the garage.</p> <p>ii. Employees must purchase parking passes in the garage or within the designated off-site parking garage.</p> <p>iii. Adults attending classes and actors attending rehearsals will be encouraged to use non-auto modes of transportation and given information on the available options.</p> <p>iv. For those that choose to drive, a list of nearby garages will be distributed, noting that on-street parking is limited and should not be used.</p> <p>v. Special events such as ACA performances will require off-site parking. For such</p>
--	---

	<p>events, STC will identify nearby parking lots and/or garages that may be used for event parking.</p> <p>vi. STC will distribute information about special events parking to attendees of Academy of Classical Acting performances and encourage non-auto modes of transportation</p>
<p><u>Loading Management</u></p>	<p>c. For the life of the Project, the Applicant shall provide the following Loading Management Plan measures:</p> <p>i. A loading facility manager will be designated by property management.</p> <p>ii. The loading facility manager will schedule deliveries such that the loading facility's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the facility is full, that driver will be directed to return at a later time when the loading facility will be available.</p> <p>iii. STC deliveries and residential condo owners will be provided with information regarding loading dock restrictions, rules, and suggested truck routes upon purchase.</p> <p>iv. All residential condo owners will be required to schedule move ins and move outs.</p> <p>v. Trucks using the loading facility 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</p>

	<p>Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System.</p> <p>vi. The loading facility manager will be responsible for disseminating suggested truck routing maps to drivers from delivery services that frequently utilize the loading facility. The facility manager will also distribute materials such as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws.</p>
<p><u>Requirement to Record, Timing, Human Rights Act, and Compliance with Conditions</u></p>	<p>E. <u>Miscellaneous</u></p> <p>1. 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, Department of Consumer and Regulatory Affairs. 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.</p> <p>2. The PUD shall be valid for a period of two years from the effective date of this Order within which time an application shall be filed for a building permit. Construction must begin within three years of the effective date of this Order.</p>

	<p>3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.</p> <p>4. 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.</p>
--	--

Residential Unit Type	Gross Floor Area/% of Total*	# of Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	85,387/100%	82	Mixed		
Market Rate Units	78,556/92%	77	Market Rate		
Inclusionary Zoning Units	6,831/8%	5	Up to 80% of MFI	Life of the Project	Condominium

Conclusion

We look forward to the Commission taking Final Action on this case. Please feel free to contact Dave at (202) 721-1137 or Meghan at (202) 721-1138 if you have any questions regarding this letter.

Sincerely,



David M. Avitabile



Meghan Hottel-Cox

Enclosure
DA:mhc

- cc: Gail Fast, ANC 6D01
 Anna Forgie, ANC 6D02
 Ronald Collins, ANC 6D03
 Andy Litsky, ANC 6D04
 Anthony Dale, ANC 6D05
 Rhonda N. Hamilton, ANC 6D06
 Edward Daniels, ANC 6D07
 Melinda MacCall, DC Public Library, Southwest Neighborhood Library

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document will be delivered by first-class mail or hand delivery to the following addresses on May 20, 2019.

Office of Planning

Jennifer Steingasser
1100 4th Street SW, Suite E650
Washington, DC 20024
jennifer.steingasser@dc.gov

With a copy to:
Stephen Cochran, OP
stephen.cochran@dc.gov

District Department of Transportation

Anna Chamberlin
55 M Street SE, 4th Floor
Washington, DC 20003
anna.chamberlin@dc.gov

With a copy to:
Aaron Zimmerman, DDOT
aaron.zimmerman@dc.gov

ANC 6D

1101 4th Street SW, Suite W130
Washington, DC 20024
office@ANC6D.org

UNSW

Peter Eicher
600 H Street SW
Washington, DC 20024
peterreicher@hotmail.com

Martin Harwit
511 H Street SW
Washington, DC 20024
harwit@verizon.net

Andrea Pawley
504 H Street SW
Washington, DC 20024
Andrea.pawley@gmail.com


Meghan Hottel-Cox