

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**  
**Z.C. ORDER NO. 18-20**  
**Z.C. Case No. 18-20**  
**Southeast Federal Center Zone Design Review**  
**Forest City SEFC, LLC on behalf of the United States General Services Administration**  
**May \_\_, 2019**

Pursuant to notice, the Zoning Commission of the District of Columbia (the “Commission”) held a public hearing on April 11, 2019 to consider the application of Forest City SEFC, LLC (the “Applicant”) regarding property owned by the United States General Services Administration (“GSA”) for design review approval to construct a new mixed-use residential apartment building with ground-floor retail uses and two levels of below-grade parking (the “Project”) in the SEFC-1B zone on the property commonly known as “Parcel I” in The Yards (Square 774, Lot 807, or the “Property”). Design review for the Project is required pursuant to Subtitle K, Sections 237.4, 241, and 242 of the SEFC zone provisions of the District of Columbia Zoning Regulations (“Zoning Regulations”), Title 11 of the District of Columbia Municipal Regulations (“DCMR”). In addition, as permitted under Subtitle X, Section 603, the Applicant also requested a special exception to allow relief from the penthouse setback requirements of Subtitle C, Section 1502.1(c)(5) and a variance from the Green Area Ratio (“GAR”) requirements of Subtitle K, Section 209.1.

The Commission considered the application for the Project pursuant to Subtitles X and Z of the Zoning Regulations. For the reasons below, the Commission hereby approves the application.

**FINDINGS OF FACT**

**Application, Parties, and Hearing**

1. The Property consists of approximately 55,041 square feet of land and is located in the SEFC-1B zone in an area commonly known as “Yards West” of “The Yards”.
2. The Property is located in the former Southeast Federal Center (“SEFC”) on land that is currently owned by the federal government but authorized for private development by an act of the U.S. Congress in 2000. *See* Southeast Federal Center Public-Private Development Act of 2000, Pub. Law. 106-407 (2000) (the “Act”). The Applicant prepared a master plan (the “Master Plan”) for The Yards, and, under the authority of the Act, GSA selected the Applicant as the master developer to implement the Master Plan. The Master Plan was presented by GSA and the Applicant to the Commission for review and approval, and the Commission approved special zoning (now known as the SEFC zones) in order to ensure that future development of The Yards would proceed according to the Master Plan.

3. The instant application follows the coordinated development of The Yards pursuant to the Master Plan. On April 3, 2018, the Applicant mailed a Notice of Intent to file a design review application to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 6D, the ANC within which the Property is located. (Exhibit 2D.) The Applicant also thereafter presented the Project to ANC 6D. *Id.*
4. On October 12, 2018, the Applicant filed an application on behalf of GSA as the owner of the Property, for design review and approval of the Project pursuant to Subtitle K, Sections 237.4, 241, and 242 of the Zoning Regulations. In addition, pursuant to Subtitle X, Section 603, the Applicant also requested special exception relief from the penthouse setback requirements of Subtitle C, Section 1502.1(c)(5) and variance relief from the GAR requirements of Subtitle K, Section 209.1. (Exhibit 2.)
5. On November 27, 2018, the Applicant filed a Comprehensive Transportation Review (“CTR”) for the Project. (Exhibit 5.)
6. On December 17, 2018 the Applicant requested the public hearing, originally scheduled for January 10, 2019 be postponed until March 21, 2019, (Exhibit 9), and on February 12, 2019, the Applicant requested again that the public hearing on the Project be rescheduled until April 11, 2019 because of, among other reasons, delays in the federal review process for the Project resulting from the protracted federal government shutdown. (Exhibit 15.)
7. On March 22, 2019, the Applicant filed a supplemental statement with revised plans reflecting feedback from and discussions with the ANC, the federal agencies that reviewed the Project, OP, and DDOT. (Exhibit 19.) The Applicant also filed signage plans for the Project. (Exhibit 19F.) Finally, the Applicant filed concept designs for the private street to be located along the western edge of the Project. (Exhibit 19D.)
8. ANC Report. At its regularly scheduled and duly noticed public meeting on December 10, 2018, ANC 6D voted 6-0-0 to support the application for design review and the requested relief. In its December 15, 2018 report filed with the Commission, ANC 6D noted that the Project “will be a catalyst for the emergence of the “Yards West” neighborhood.” (Exhibit 8.)
9. OP Report. The Office of Planning (“OP”) filed a report dated April 1, 2019 recommending approval of the Project and testified accordingly at the public hearing. (Exhibit 20.) OP’s report supported the requested design and penthouse setback flexibility as well as the variance for GAR relief. OP also found that the Project is not inconsistent with the designation for the Property on the Comprehensive Plan’s Future Land Use Map and Generalized Policy Map. Similarly, OP concluded that the Project conforms to the Master Plan and furthers policies in the Comprehensive Plan’s Land Use, Park, Recreation and Open Space, Historic Preservation, Urban Design, and Anacostia Waterfront/Near Southwest Area Elements. OP also examined the Project against the general design review criteria as well as the SEFC-1B zone design review criteria zone and found that the Project satisfied each relevant condition, concluding that the Project advances the goals and objectives of the SEFC zones as set forth in Subtitle K. (Exhibit 20.) The OP report

included requests for additional information regarding the Project's canopies, window details, brick dimensions and bridge materials, LEED certification, green roof, and solar panels, to which the Applicant responded in its April 11, 2019 filing with point-by-point explanations satisfactory to OP. (Exhibit 24.)

10. DOEE Comments. The OP report also included ten comments from the District's Department of Energy and the Environment ("DOEE"). These comments included requests and recommendations regarding rainwater harvesting, provision of civil plans, stormwater, floodplain design, solar panels, solar panel financing, energy efficiency, energy efficiency financing, and further reviews. (Exhibit 20.) The Applicant responded to each of DOEE's comments and recommendations in its April 11, 2019 filing. (Exhibit 24.)
11. DDOT Report. The District Department of Transportation ("DDOT") also filed a report dated April 1, 2019 stating that it had no objection to the approval of the Project. (Exhibit 15.) DDOT made a number of findings in its report including that the trip generation assumptions proposed by the Applicant are reasonable, that the Applicant's analysis used sound methodology, and that the CTR did not identify any intersections that triggered the need for mitigation as a result of the Project. DDOT also raised recommendations for the Applicant's Transportation Demand Management ("TDM") plan. (*Id.*) The Applicant responded to each of DDOT's comments and recommendations in its April 11, 2019 filing. (Exhibit 24.) At the public hearing, an email from DDOT was read into the record, which email indicated that the Applicant's responses were sufficient to address DDOT's recommendations.
12. NCPC Report. On December 21, 2018, the National Capital Planning Commission ("NCPC") filed a memorandum with the Commission approving of the design of the Project. (Exhibit 10A.) NCPC noted that the Project "appears to conform to the Urban Design Guidelines identified in the 2005 Memorandum of Understanding between NCPC and the GSA, including: appropriate building and landscape treatment in character with the street grid proposed for the Southeast Federal Center; using shared, below-grade parking; and an amount of neighborhood retail at the ground level of a major street. In addition, the Parcel I, 35 percent exterior design submission conforms to the Minimum Phase Performance Design Standards identified in the 2005 Memorandum of Understanding between NCPC and the GSA, which include standards for sustainable design, pedestrian access, architectural design, and urban design/planning." *Id.*
13. GSA-Related Reviews. The Applicant's March 22, 2019 filing included letters from the Commission of Fine Arts ("CFA") and NCPC, (Exhibit 19A and 19B) setting forth the recommendations of each agency to GSA pursuant to agreements between those agencies and GSA. Both CFA and NCPC recommended approval. Based on these reports and comments from other consulting parties, GSA concluded that the Project is consistent with the Master Plan. (Exhibit 24A.) In its letter, CFA provided recommendations regarding the design of the Project. At the hearing, the Applicant explained multiple design changes that it made to the Project in direct response to CFA's recommendations, including modifications to the design of the bridge element and the material palette.

14. After proper notice, the Commission held a hearing on the application on April 11, 2019. Apart from the Applicant and the ANC there were no parties to this proceeding, and no persons or organizations spoke at the hearing or introduced written testimony in advance of the hearing. Expert witnesses appearing on behalf of the Applicant included Brett Swiatocha, of Perkins Eastman DC as an expert in architecture, Erwin Andres of Gorove/Slade Associates as an expert in transportation planning engineering, Rick Parisi, of M. Paul Friedberg and Partners as an expert in landscape architecture, and Claire Bedat of AECOM as an expert in landscaping architecture, urban planning and urban design. Toby Millman and David Shirey of Brookfield Properties appeared on behalf of the Applicant and Brett Banks appeared on behalf of GSA.
15. On April 29, 2019, the Applicant filed a post-hearing submission with responses to the issues raised by the Commission at the April 11 hearing. In the submission, the Applicant revised the Project's signage and provided additional information regarding the Project's mechanical penthouse design. (Exhibit 27.)
16. The Commission took action at its regularly scheduled May \_\_, 2019 public meeting to approve the plans submitted into the record and the relief requested. [Cite Transcript]

#### **Description of The Yards and Yards West**

17. Parcel I is located in the western portion of the 42-acre site in the southeast DC neighborhood known as The Yards. The Yards is a new mixed-use neighborhood created through the redevelopment of the former SEFC. The SEFC consists of two large parcels of land: the first parcel is located between 1st Street, SE and New Jersey Avenue, SE and is identified in the Master Plan as the "Redevelopment Zone", and the second parcel is located between 2nd Street, SE and the Washington Navy Yard and is identified in the Master Plan as the "Historic Zone." In addition to the plans for the SEFC, the Applicant's affiliates secured approval through a Planned Unit Development ("PUD") for the District-owned properties to the south of the SEFC Redevelopment Zone. For planning purposes, the SEFC Redevelopment Zone and the PUD site are together commonly known as "Yards West", which is bounded by M Street, SE and the Navy Yard Metrorail entrance to the north, the Anacostia River to the south, and Nationals Ballpark to the west and New Jersey Avenue, SE and the DC Water Main Pumping Station to the east. (Exhibit 2.)
18. The Applicant has prepared a concept plan for Yards West and the public realm in that neighborhood. The "Yards West Concept Master Plan" is organized around a central pedestrian-oriented spine leading from M Street, SE and a potential third entrance to the Navy Yard Metrorail station, south to Diamond Teague Park and the Anacostia River. Along this spine, 1½ Street is planned as a curbsless street that will run from Quander Street on the north to Potomac Avenue on the south. Parking and loading entrances within Yards West will generally be located on the east-west cross streets. (Exhibit 2.)
19. The first phase of the Yards West street network will consist of the two-block segment of Quander Street between 1st Street and New Jersey Avenue and the two-block segment of 1½ Street between Quander Street and N Place. Both 1 ½ Street and Quander Street will

be private streets. As a part of this first phase, the Applicant's affiliates will also reconstruct the two-block segment of N Place SE, a public right-of-way. This work will establish the street grid for Parcels F, G, H, and I. (Exhibit 2; Exhibit 19D.)

### **Description of the Property**

20. Parcel I is bounded by N Street, SE to the north, Canal Street, SE to the east, and N Place, SE to the south. The Property is also currently improved as a surface parking lot and is in the heart of the Redevelopment Zone. An entrance to the Navy Yard Metrorail station is located approximately two blocks north of the Property, and the Washington Nationals Baseball Park is located one block west of the site. To the south of the Property is the "F1 Parcel", which has received approval for redevelopment as a 100-foot tall building and parking structure pursuant to the PUD. Further to the south is the DC Water Headquarters, which is nearly finished construction pursuant to another PUD. Other parcels to the southwest, west, and north are approved for redevelopment pursuant to the SEFC zoning and first-stage PUD approvals that have been granted by the Commission.

### **Project Overview**

21. The Project is a 10-story plus habitable penthouse mixed-use building with approximately 348 residential apartments, approximately 15,913 square feet of ground-floor retail uses, and two levels of below-grade parking with approximately 243 parking spaces.
22. The Project's massing consists of a ground-level podium that is built out toward all street frontages, with a U-shaped building oriented on a double-loaded corridor above. The overall design of the Project allows the building to engage the pedestrian realm and provide ample light and air for residents on the upper stories. A one-story, double-height bridge element at the eighth floor creates a signature amenity space within the upper levels of the Project and provides a visual connection to 1½ Street. The Project's primary materials consist of brick facades with punched windows atop a precast concrete and glass base.
23. The primary residential lobby is located along 1½ Street, and thereby encourages pedestrian activity on the planned new shared street that will define the new neighborhood. Retail uses are focused along N Street, SE which serves as a pedestrian connection between the Ballpark District, Yards West, and the Historic Zone of The Yards to the east. The Project's ground-level loft-style units, each with separate walk-up entrances, front on Canal Street. Vehicular access is from N Place, SE a two-block street segment that terminates at the DC Water Main Pumping Station and will feature significantly less pedestrian activity than other streets around Parcel I.
24. The DC Water Main Pumping Station is located immediately to the east of the Property, across the unbuilt right-of-way of Canal Street, SE. DC Water has expressed concerns about the use of Canal Street for public vehicular traffic because of large and sensitive sewer infrastructure beneath the right-of-way and because of its proximity to the Main Pumping Station. The Applicant, DC Water, DDOT, and the Deputy Mayor for Planning and Economic Development, have agreed that 12 feet of Canal Street's 80-foot right of

way, adjacent to Parcel I, will be improved as a publicly-accessible sidewalk. The remainder of the right-of-way will be occupied by DC Water as a part of its campus, and public vehicular travel will not be allowed. Accordingly, the Applicant worked closely with DC Water and DDOT to balance DDOT's desire to maintain the urban grid with DC Water's operational and security needs and incorporate a public sidewalk along the western portion of Canal Street along Parcel I, which will maintain pedestrian connectivity as well as provide a direct pedestrian connection from the Navy Yard Metro station to DC Water's new headquarters.

25. The Project capitalizes on its proximity to the Anacostia River. The future 1½ Street will be the only street in the District that provides a direct connection from a Metro entrance to a riverfront, and this uniqueness helps to define the character and identity of Yards West.
26. The Project integrates both resiliency and sustainability into its design. With respect to resiliency, the entire building is elevated out of the 100-year floodplain and all habitable floors have been elevated out of the 500-year floodplain. However, the Project's garage entrances are located along N Place, SE which happens to be the low point of the Property. While the garage entrances are located above the 100-year base flood elevation, the entrances cannot be located above the 500-year base flood elevation because of existing grades. In the event of a severe flood event, the building's garage is designed to flood to counteract buoyancy and prevent the building from floating. As part of the Project's resiliency design, the building's primary electrical switchgear room is located at a mezzanine level above the ground floor to protect it in a flood event. The building's emergency switchgear and emergency generator are located in the penthouse. With respect to sustainability, the Project will achieve a minimum of LEED Silver under the LEED v4 standard and will include solar panels on the rooftop. The Project also incorporates significant energy efficiency and energy conservation measures including high efficiency VRF mechanical systems with programmable thermostats, Dedicated Outside Air Supply Units with energy recovery wheels, energy efficient LED lighting and controls with vacancy sensors in building common areas, high-performance thermally-broken glazing systems, and a high performance building envelope. Finally, the Project includes landscape design features, including curves and plantings within the central courtyard and the planted terrace on the second floor, that feature native river birch and flowering dogwood trees and that emphasize the proximity to the riverfront.
27. The Project features a large fitness center integrated into the Project's "bridge" element to emphasize personal well-being. The Project's central courtyard also emphasizes passive recreation and wellness: it is surrounded by a glazed wall system that brings the landscaping into the building's lobby and public areas. Other building features also reflect wellness as a priority. For example, the northwest stair tower, which is located adjacent to the main lobby, is intentionally located outboard of the edge of the building so that it will be daylit by windows and serve as a meaningful alternative to the elevators for building residents. The Project also features a number of outdoor spaces for passive recreation, including not only the central courtyard and 10th floor terrace but also individual outdoor spaces such as terraces for the ground-level loft, second floor courtyard, and penthouse units and balconies for units on each floor.

28. Parcel I will be located on a single lot of record with Parcel H. The future 1½ Street will bound the Property to the west and will divide Parcel I from Parcel H. (Exhibit 2.) Parcels H and I are currently used as approximately 391 parking spaces pursuant to Commission approval. The proposed redevelopment of Parcel I and related construction of 1½ Street requires alterations to the parking that will remain on Parcel H. The reconfigured Parcel H parking lot will provide approximately 126 parking spaces when complete. (Exhibit 19E.)

### **Zoning Overview**

29. The Property is located in the SEFC-1B Zone. In general, the SEFC zones are to “provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District of Columbia and beyond.” (11-K DCMR § 200.1) The SEFC-1 zones generally provides for high-density mixed-use development with ground-floor retail, with bonus height and density (and related design review) for properties in the Redevelopment Zone. (11-K DCMR § 200.3.) The Project achieves the overall intent for the SEFC-1B zone and affirmatively addresses that zone’s preference for residential use and requirement for ground-floor preferred uses along N Street, SE.
30. The Project will be constructed to a maximum height of 110 feet, which is the maximum permitted height for Parcel I. (11-K DCMR § 203.1.) The Project proposes to utilize the 1.0 FAR bonus density for residential use that is permitted in the SEFC-1B Zone, for a maximum of 7.0 FAR based on the land area of Parcel I. (11-K DCMR § 202.2(a).)
31. The Project’s use of the 1.0 FAR bonus density triggers the requirement for design review, and the Project otherwise satisfies the prerequisites for such review: (a) the Project’s architecture is of a superior quality, as described in detail below; (b) the Project’s design ensures the provision of 1½ Street and N Street, SE as open and uncovered multimodal circulation routes; and (c) the Project provides the required 3-bedroom dwelling units. (11-K DCMR § 237.4(a)(1)-(4).)
32. As required by a development agreement with the District, 20 percent of the apartment units in the Project are reserved for households earning up to 50% of the median family income. Accordingly, the apartment units (including those in the penthouse) are expressly exempt from the inclusionary zoning requirements of the Zoning Regulations. (*See* 11-C § 1001.5(a)(6); DCMR 11-K DCMR § 200.11.) Moreover, the Project’s affordable units include a minimum of 4,404 square feet of gross floor devoted to three-bedroom units, which is the equivalent of 8 percent of the 1.0 FAR bonus and in satisfaction of the requirements of the Zoning Regulations. (11-K DCMR §§ 202.2(b), 237.4(a)(4).)
33. The Project provides space for “Preferred Uses” along the entirety of its N Street, SE frontage, and all such Preferred Use space complies with the requirements (i.e., with respect to height and window/door coverage) of the SEFC zone for Preferred Uses.
34. The Project as designed complies with the other primary development standards in the SEFC-1B zone, including a providing a penthouse floor area ratio of 0.39 (less than the

maximum of 0.4 allowed); a lot occupancy of 36 percent at the ground level (below the 100 percent lot occupancy maximum for commercial uses) and 33 percent at the upper levels (below the 75 percent lot occupancy maximum for residential uses); and a 40-foot rear yard measured from the centerline of Canal Street, SE, which is in excess of the required rear yard. The Project's penthouses comply with dimensional requirements except for one area of flexibility required with respect to the setback of the exposed stair tower. The Project achieves the minimum GAR of 0.2 based on the area of Parcel I, but variance relief is requested from the GAR requirements with respect to the record lot as a whole for Parcels H and I. Vehicular parking is not required in the SEFC-1B zone, and the Project satisfies the bicycle parking and loading as required pursuant to the standards established in Subtitle C of the Zoning Regulations.

### **Design Approval**

35. The Applicant sought design approval of the Project pursuant to Subtitle K, Sections 237.4, 241, and 242 of the SEFC zone provisions of the Zoning Regulations. The Zoning Commission has jurisdiction to conduct the requested design review of the Project pursuant to Subtitle K, Section 237.4(a), which provides that design review is required for buildings that are located in the SEFC-1B zone and that utilize bonus height or density. As an application for design review pursuant to Subtitle K, Sections 237.4, the Commission must consider the Project against the general design review criteria of Subtitle X, Section 604 and the SEFC zone design review criteria in Subtitle K, Sections 241.1 and 241.2.

### **General Design Review Criteria.**

36. The Project satisfies the general design review criteria of Subtitle X, Section 604. Section 604 requires that in order for the Commission to approve a design review application it must: (a) find that the proposed design review development is not inconsistent with the Comprehensive Plan (the "Comp. Plan") and with other adopted public policies and active programs related to the subject site; (b) find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9; (c) review the urban design of the site and the building according to certain enumerated criteria set forth below; and (d) find that the criteria of Subtitle X, Section 604.7 are met in a way that is superior to any matter-of-right development possible on the site.
37. In addition to being not inconsistent with the Master Plan, the Project is also not inconsistent with relevant objectives of the Comp. Plan and the 2003 Anacostia Waterfront Framework Plan ("AWF Plan"). The Future Land Use Map of the Comp. Plan shows the Property as appropriate for a mix of "High Density Residential" and "High Density Commercial" future uses. Such a designation supports mixed-use buildings of eight stories or more. The Generalized Policy Map of the Comp. Plan shows the Property as being located in a "Land Use Change Area (Federal)" where a change to a different land use is anticipated. The Project's proposed high density development, converting the Property to a mix of apartment and ground floor commercial uses, is not inconsistent with the Comp. Plan. The Project advances numerous specific objectives of the Comp. Plan and is not



inconsistent with the Comp. Plan as a whole. The Applicant provided a detailed analysis of the Project's consistency with the Comp. Plan and the AWF Plan, which the Commission finds compelling and accordingly adopts as though set forth herein. (Exhibit 2J.)

38. In addition, the Project is not inconsistent with relevant objectives of the 2013 Near Southeast Urban Design Framework Plan ("NSE Plan") including prioritizing access and linkage to existing parks and clustering retail uses to create a high density urban environment in Southeast DC. The Project addresses a critical linkage identified in the NSE Plan and advances the retail cluster objective of the NSE Plan.
39. The Project satisfies the general Special Exception criteria of Subtitle X, Chapter 9 because the Project will be harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-2 district and comply with the Zoning Regulations in terms of development standards, including height, FAR, proposed uses, and parking, except for minor requests for relief from the penthouse setback and GAR standards. In addition, the Project will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and instead the Project is designed to fit in and operate compatibly with neighboring properties and uses. The Project's height, massing, orientation, and uses are also unlikely to adversely affect the use of DC Water operations pursuant to agreements on the future use and design of Canal Street. The Project is harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-1B zone.
40. The Project is consistent with each of the urban design criteria listed in Subtitle X, Section 604.7 and provided in italics below.
  - a. *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (i) Multiple pedestrian entrances for large developments; (ii) Direct driveway or garage access to the street is discouraged; (iii) Commercial ground floors contain active uses with clear, inviting windows; (iv) Blank facades are prevented or minimized; and (v) Wide sidewalks are provided:* The proposed design of Parcel I is integrated into the public realm design in a way that achieves these principles. The Project design prioritizes pedestrian access, activity, safety, and comfort, with ample sidewalk width particularly along the primary pedestrian streets on N Street and 1 ½ Street. Driveway/garage access separated from these frontages and located exclusively on the Project's south frontage along N Place, SE. The Project also makes use of ground-level transparency, provides multiple entrances, and minimizes blank facades through the retail spaces along N Street, SE and retail spaces and building lobby along 1½ Street.
  - b. *Public gathering spaces and open spaces are encouraged, especially in the following situations: (i) Where neighborhood open space is lacking; (ii) Near transit stations or hubs; and (iii) When they can enhance existing parks and the waterfront:* The Yards West public realm design creates a network of formal and informal open spaces running from a transit station to an existing waterfront park, and the Project fits into that

framework. The Project reinforces the design for 1½ Street with connections between the building's interior spaces for public activity (such as the main lobby and courtyard beyond) and public outdoor spaces along 1½ Street. The Project's retail presence along N Street will also enliven the connection between 1½ Street and Tingey Square.

- c. *New development respects the historic character of Washington's neighborhoods, including: (a) Developments near the District's major boulevards and public spaces should reinforce the existing urban form; (b) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and (c) Development should respect and protect key landscape vistas and axial views of landmarks and important places:* The Project reinforces the proposed urban form for Yards West, as the area for high-density contemporary design within a re-established urban grid that protects key vistas and views to the waterfront along that north-south street grid. The Project's height, density, massing, orientation, and materials all embrace the contemporary setting through, among other features, its evocative elevated bridge element.
- d. *Buildings strive for attractive and inspired façade design that: (a) Reinforces the pedestrian realm with elevated detailing and design of first and second stories; and (b) Incorporates contextual and quality building materials and fenestration:* The Project's massing and architectural design reinforces the pedestrian realm through a ground-floor base that helps define the streetwall along all street frontages as well as architectural detail that combines the building uses to the public realm context on each front. The Project includes appropriate and high-quality materials and fenestration, as evidenced in the materials filed by the Applicant in response to the OP report.
- e. *Sites are designed with sustainable landscaping:* The east-west public streets utilize the existing Yards-standard LID planting zones along both N Street, SE and N Place, SE, and the private 1½ Street features additional bioretention zones and other features to detain and treat stormwater runoff at a level that exceeds the District's minimum requirements. Along Canal Street, the limited area available for public use and the underground sewer infrastructure below precludes street trees within the right-of-way, but the Applicant has created the same benefits through a combination of trees and bioretention areas on the private property in front of the loft entrances, adjacent to the sidewalk. The Project's landscape design incorporates a variety of planted areas on multiple terraces, with soil depths on the ground-level courtyard capable of supporting trees as well as attractive groundcover.
- f. *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including: (i) Pedestrian pathways through developments increase mobility and link neighborhoods to transit; (ii) The development incorporates transit and bicycle facilities and amenities; (iii) Streets, easements, and open spaces are designed to be safe and pedestrian friendly; (iv) Large sites are integrated into the surrounding community through street and pedestrian connections; and (e) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront:* The Yards West Master Plan creates pedestrian-

scale connectivity through a safe, multimodal network that will interconnect the Metro, the riverfront, and to the adjacent development to the east and west. Parcel I will accommodate its cyclists through a large at-grade indoor parking area that can be accessed from either the primary or secondary residential entrances as well as on-street bicycle racks. The Project also includes a shower and lockers for employees who choose to bike to work.

- g. The Project satisfies the urban design criteria of Subtitle X, Section 604.7 in a way that is superior to any matter-of-right development possible on the Property. The Project exemplifies the superior design, site planning, safe pedestrian access, and other features that are superior to typical matter-of-right development. Superior urban design attributes include the Project's rich detailing, materials selection and other design features, its prominent relationship and attention to the N Street, SE and 1½ Street corridors, and its strong pedestrian accommodations.

#### SEFC Design Review Criteria.

- 41. The Project satisfies the SEFC design review criteria as set forth in Subtitle K, Section 241.1, which requires design review applications demonstrate that they: (a) help achieve the goals and objectives of the SEFC zone; (b) be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, views of federal monumental buildings, particularly along the New Jersey Avenue corridor; and (c) limit at- or above-grade parking so that any such parking is screened by other building uses, landscaping, or other architectural treatment.
- 42. The Project helps achieve each of the relevant goals and objectives of the SEFC zone. The Project's height and density are within the high-density parameters envisioned by the Comp. Plan. (11-K DCMR § 200.2(a).) The proposed high-density residential apartment building use and ground-floor retail uses also provide the mix of uses desired by the Comp. Plan and related planning documents. (11-K DCMR §§ 200.2(a) - 200.2(c); *see also id.* § 200.3 (emphasizing high-density residential use in the SEFC-1B zone).) The design also emphasizes a pedestrian-oriented streetscape and ground-floor preferred retail and service uses along N Street. (11-K DCMR §§ 200.2(b), 200.2(e).) Finally, although the Project is not located within the SEFC Historic Zone, the building's architectural design nevertheless reflects sensitivity to the nearby historic context through its reduced height and use of brick materials. (11-K DCMR § 200.2(g).)
- 43. The Project's height, bulk, and siting do not impinge on the openness of view and vistas to and from the waterfront and monumental federal buildings. As described above, the overall Yards West Master Plan emphasizes these view corridors through the site to the waterfront, and the northeast edge also emphasizes the New Jersey Avenue corridor. The Project's massing along each of its four elevations begins to define these formal view corridors as well as the east-west N Street corridor.
- 44. All of the Project's parking is located underground.

45. The Project also satisfies the relevant SEFC-1B additional design review criteria set forth in Subtitle K, Section 241.2. These criteria include: (a) compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping; (b) use of high standards of environmental design that promote the achievement of sustainable development goals; (c) façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces; (d) landscaping which complements the building; and (e) consideration of the balance and location of preferred uses. Each of these criteria are more fully addressed above in Finding of Fact (“FF”) ¶¶ 33 and 47(a), (c), and (e).

### **Special Exception Relief for Penthouse Setback**

46. The Applicant also requested special exception relief from Subtitle C, Section 1502.1(c)(5) in order to allow the daylight stairwell near the northwest corner to project into the required setback. This projection will generally not be visible from the public realm. The Commission may grant a special exception for penthouse setback relief pursuant to Subtitle C, Section 1504.1 and the special exception general criteria of Subtitle X, Section 901.
47. The Project satisfies the standards for the requested penthouse setback special exception:
- a. *The strict application of the requirements of Subtitle C, Chapter 15 would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes:* Typically, stairwells in residential buildings are “buried” in the interior of the building in order to not occupy valuable exterior-facing space. Here the Applicant has placed one stairwell partially outboard of the exterior wall and clad it primarily in glass in order to encourage circulation in the building via stairs rather than via elevators. This stairwell was selected because it is proximate to the ground-floor lobby entrance and it has southern and western exposures, so it experiences the best daylight in the building. The daylight stairwell projects into the required setback at the upper level to capture more natural light at the top of the stair and allow rising warm air to be collected and vented above the occupied zone to maintain the comfort of the stair users. Strict application of the setback requirements would defeat the purpose of having a fully daylight stairwell, since it would reduce the light and usability of the stairwell. In all likelihood, the practical impact of strict compliance would be to eliminate the feature altogether.
  - b. *The relief requested results in a better design of the roof structure than a fully matter-of-right design and does not appear to be an extension of the building wall:* The requested relief results in a superior design to the roof structure than a fully matter-of-right design because it converts the stairwell from a dark “emergency-only” piece of vertical circulation to a unique stairwell that encourages activity and movement in the Project and reinforces public health and wellness goals. The requested relief does not appear to be an extension of the building wall. Rather, the entire stairwell that results in the projection into the required setback is distinguished from the surrounding façade through materials and design.

- c. *The relief requested is no more visually intrusive than a matter-of-right design:* The stair tower will not be visible from most vantage points. The stair tower will not be visible at all from N Street, SE, N Place, SE, or Canal Street adjacent to the Project. Along 1½ Street, any view of the projection from 1½ Street will likely be entirely obscured by the Project's bridge element, given the height and scale of the bridge compared to the location and minimal size of the stair tower. During the interim condition while Parcel H is a parking lot, the projection may be incidentally visible from the public realm along 1<sup>st</sup> Street, SE. However, once Parcel H is constructed, the stair tower will not be visible from 1<sup>st</sup> Street, SE or other points west of Parcel I.
- d. *Operating difficulties such as meeting the D.C. Construction Code requirements make full compliance unduly restrictive or unreasonable:* Typically, stairwells are a secondary form of vertical circulation to be used for egress in an emergency. Most stairwells are dark and confined to the building interior, and building occupants opt for using an elevator rather than stairs to travel between floors. Here, the Applicant creates a stairwell that will encourage resident activity. A daylit stairwell requires both an exterior location on the perimeter of the building and sufficient height to bring in light and allow air to circulate; these requirements could not be met if the stairwell terminated in a location that complied with the setback requirements.
- e. *Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks:* Apart from the stairwell for which the instant relief is required, all mechanical equipment, other stairwells and elevator penthouses are in compliance with the required setbacks. As noted above, there is no reasonable way to design the daylit stairwell in a manner that complies with the penthouse setback requirements, because the stairwell must by design be located on the exterior wall of the building.
- f. *The stairwell neither materially impairs the intent and purpose of Subtitle C, Chapter 15 nor materially impairs the light and air of adjacent buildings:* As described above, the daylit stairwell will not be visible from most frontages and will therefore not impair the intent and purposes of the penthouse regulations. Moreover, the scope of the requested relief is minor. Such a small amount of projection, combined with its relative invisibility from the public realm proves that the requested relief does not materially impair the purpose and intent of the roof structure requirements in the Zoning Regulations. The stairwell is located within an interior courtyard, and accordingly the requested relief does not materially impair the light or air of adjacent buildings. The penthouse relief will not cast shadows onto adjacent buildings, obstruct views, or otherwise impair views or access to future nearby buildings.
- g. *The proposed setback is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and does not tend to affect adversely the use of neighboring property:* The requested relief from the strict application of the penthouse setback requirements does not impair the general intent, purpose, and integrity of the Zoning Regulations or Zoning Maps. The majority of the Project's penthouse is setback appropriately, the daylit stairwell extend into the setback zone only to the minimum

extent necessary, the relief is generally not visible from the public realm, and it has no shadow impacts.

- h. *The proposed setback does not violate the maximum height allowed by the Height Act:* Under the Height Act, the Project could achieve a maximum height of 130 feet based on the width of 1<sup>st</sup> Street, SE. Therefore, since the Project height is only 110 feet and the penthouse height is limited to 20 feet, the setback of the building's penthouse is governed only by the requirements of the Zoning Regulations.

### **Variance Relief for GAR**

- 48. The Applicant also requested a variance from the GAR requirements of Subtitle K, Section 209.1 in order to accommodate the proposed phased build-out of the record lot upon which the Project will be constructed. The Project will satisfy the GAR requirements as to Parcel I itself; indeed Parcel I will satisfy the GAR minimum of 0.2. However, the overall record lot (containing Parcel I and Parcel H as well as the portion of 1 ½ Street between the two parcels), which is the relevant unit for the purposes of complying with the Zoning Regulations, will not comply with the GAR requirements until the completion of construction on Parcel H. Therefore, variance relief is sought to accommodate the interim condition while Parcel H is still improved as a parking lot.
- 49. The Zoning Commission may grant the Applicant's request for a variance from the GAR requirements pursuant to the standards for area variance relief as set forth in Subtitle X, Section 1002.1(a). As set forth below, the Property meets the three-part test for area variance relief for the requested GAR variance.
- 50. *The Property Is Affected by an Exceptional Situation or Condition:* The Property satisfies the "exceptional situation or condition" element for area variance relief because it is unique in a way arising from a confluence of factors not affecting the neighborhood generally. The Property is part of the master-planned development of the SEFC, which anticipated the gradual, phase development of a large multi-acre site. Within this context, the SEFC has been broken down into a series of smaller segments within an established street grid. The Property is part of one such segment; it is part of a larger record lot that will be constructed as the first part of multiple phases, with a new private street bisecting the lot down the middle. Moreover, the portion of the record lot that is not the subject of this Application (i.e., Parcel H) is currently improved as a temporary surface parking lot pursuant to Zoning Commission approval that predated the implementation of the GAR regulations. The confluence of these conditions makes the Property unique, satisfying the exceptional situation or condition element necessary for area variance relief.
- 51. *Strict Application of the Zoning Regulations Would Result in a Practical Difficulty:* Compliance with the strict application of the GAR requirements is practically difficult given the phased nature of construction on the record lot of which the Property is a part. Today the Property is a temporary surface parking lot that was constructed prior to the effectiveness of the GAR requirements. As a result, neither the surface parking lot on the Property nor the surface parking lot on Parcel H (which are together functionally a single

parking lot) were constructed in compliance with the GAR regulations. Parcel H's surface parking lot is a temporary condition; it will eventually be redeveloped with a new building, and the GAR requirements will apply to that new construction. Parcel H will integrate its own green features, but the extent of those features cannot be known until the building is designed. Upon full build out of Parcel I and Parcel H (and the new private street between them), the entire record lot will overall satisfy the GAR requirements for the record lots. Likewise, at that point the individual Parcels will independently satisfy the GAR requirements for each tax lot. Until then, it would be unreasonable to require that Parcel I satisfy the GAR requirements for the entire record lot.

52. *Relief Can Be Granted without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan:* The requested relief from the strict application of the GAR requirements can be granted without substantial detriment to the public good and without impairing the intent, purpose, and integrity of the zone plan. The relief from the requirement is time-limited and purely technical in nature, since the requested relief will no longer be necessary upon construction of Parcel H. Note again that if the Project were to be developed on the basis of Parcel I alone, this relief would not be required and Parcel I would meet or exceed the GAR requirement for the parcel alone. This relief does not impair or circumvent the intent of the Zoning Regulations, which is for each development to satisfy the GAR requirements on its own. The GAR regulations do not anticipate shifting compliance with the GAR regulations from one development to another; rather, they are assessed on a building-by-building basis. Accordingly, the regulations are not harmed by recognizing the multi-phase nature buildout of a large site may not achieve full GAR compliance for the record lot as a whole until all phases are complete.

### **The Commission's Concerns and the Applicant's Responses**

53. At the hearing, the Commission had the opportunity to hear testimony from and ask questions of the Applicant, the GSA, the Applicant's expert witnesses, and representatives of OP. Most questions were answered in the course of the proceeding, and the Applicant provided follow up responses to two questions regarding (a) the Project's signage, and (b) the Project's mechanical penthouse design.
- a. Signage: The Applicant revised its signage plan to remove certain areas at the retail level from being eligible to contain wall-mounted signage. The Applicant also provided additional restrictions on the building-identifier signage at the upper levels in response to concerns raised by the Commission. (Exhibit 27.)
  - b. Penthouse Design: In its post-hearing submission, the Applicant provided a further study of its rooftop mechanical space, showing that when fully-built out with all mechanical equipment and emergency backup equipment, reducing the size of the penthouse level is not feasible.

## **CONCLUSIONS OF LAW**

1. The application was submitted, pursuant to Subtitle K, Sections 237.4(a), 241, and 242, for design review and approval by the Commission. Pursuant to Subtitle X, Section 603, the application also sought special exception relief from the penthouse setback requirements and variance relief from the GAR requirements with respect to the record lot as a whole.
2. The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to ANC 6D, OP, and to owners of property within 200 feet of the Property. The Office of Zoning properly and timely referred the matter to NCPD.
3. Pursuant to Subtitle K, Sections 237.4, 241, and 242 and Subtitle X, Sections 603 and 604, the Applicant has satisfied the required burden of proof necessary for the Commission to approve the overall design of the Project. The Project's uses and preferred uses are in accordance with the standards specified in Subtitle K, Section 237.
4. The Commission reviewed the Project against the general design review criteria of Subtitle X, Section 604, and based on the findings set forth above concludes that the Project satisfies such criteria. The Project is not inconsistent with the Comp. Plan and other adopted public policies and active programs, will not tend to adversely affect the use of neighboring property, is harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps, and satisfies the special exception criteria and urban design objectives in a manner superior to any matter-of-right development possible on the Property.
5. The Commission also reviewed the Project against the SEFC design review criteria of Subtitle K, Section 241.1, and based on the findings set forth above concludes that the Project satisfies such criteria as well. Specifically, the Project will help achieve the goals and objectives of the SEFC zones.
6. Subtitle K, Section 241.2 sets forth additional SEFC design review criteria against which the Commission may also consider the Project. The Commission has reviewed the Project against those additional SEFC zone design review criteria and concludes the Project satisfies such additional criteria as well.
7. Pursuant to Subtitle X, Section 603, the Commission has considered the Applicant's request for special exception relief from the penthouse setback requirements of Subtitle C, Chapter 15 with respect to the Project's daylight stairwell and concludes that the Project satisfies the elements necessary for such relief.
8. Likewise, pursuant to Subtitle X, Section 603, the Commission has also considered the Applicant's request for variance relief with respect to the Project's record lot complying with the GAR requirements for the lot as a whole (understanding that the Project has been designed such that the Property will comply with the GAR requirements). Under the three-prong test for a variance, the Applicant has demonstrated (1) that the Property is affected by an exceptional or extraordinary situation or condition, (2) that the strict application of the



Zoning Regulations will result in a practical difficulty flowing directly from the Property's exception situation, and (3) that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan.

9. Subtitle X, Section 603.1 provides that the Commission may grant relief from certain development standards but not others, including GAR. (11-X DCMR § 603.1.) However, Section 603.3 provides that the Commission may grant a variance that would otherwise require the approval of the Board of Zoning Adjustment simultaneously with a design review application. (*Id.* § 603.3.) Reading Sections 603.1 and 603.3 together, the former section should be understood to mean that the Commission may grant relief from certain development standards in a design review application in exchange for enhanced design and without applying the more exacting special exception and variance standards. However, a variance from the GAR requirements, though not allowed as relief from the development standards under Section 603.1 may be heard simultaneously with a design review application under Section 603.3.
10. The Commission concludes that the Applicant has satisfied all the necessary elements for design review as well as for the relief requested.
11. The Commission is required under D.C. Official Code § 1-309.10(d) to give "great weight" to the issues and concerns of the affected ANC expressed in its written report. As reflected in the Findings of Fact, at its duly noticed meeting held on December 10, 2018, ANC 6D, the ANC within which the Property is located, voted 6-0-0 to support the application for SEFC zone design review and related zoning relief. The Commission notes that the ANC raised no substantive concerns about the design of the Project.
12. No party spoke or submitted materials in opposition to the Project. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.
13. The Commission is also required to give great weight to the recommendations of OP. (D.C. Official Code § 6-623.04.) As reflected in FF ¶ 9, OP presented a report and testimony at the public hearing in support of the application and the Applicant responded to questions and items raised in OP's report. The Commission gives OP's recommendation to approve the application great weight, concurs with OP's, and concludes that the Applicant's responses appropriately addressed OP's questions and concerns.
14. Finally, the Commission has considered DOEE's comments, DDOT's report and recommendations and has reviewed and considered materials submitted by NCPC. The Commission concludes that the Applicant has appropriately addressed concerns raised in such report and materials. Accordingly, the Commission, having given great weight to the ANC's concerns and the OP report and having considered all relevant facts and materials in the record, concludes that the design of the Project satisfies the requirements of the Zoning Regulations applicable to the design review of the Project and the variance relief requested.

## **DECISION**

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for design review, including **APPROVAL** of variance relief and flexibility requested. This approval is subject to the following conditions, standards, and flexibility:

1. **Project Development.** The Project shall be built in accordance with the plans and elevations dated March 22, 2019, and marked as Exhibit 19F of the record, as amended and updated by plans and elevations dated April 11, 2019 and marked as Exhibits 24D, 25, and [27A] of the record (collectively, the “**Final Plans**”), and with flexibility from the penthouse setback requirements, subject to the following areas of flexibility:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
  - b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Final Plans;
  - c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Final Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
  - d. To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%);
  - e. To make refinements to the approved parking configuration, including layout and number of parking spaces plus or minus ten percent (10%), and to vary the allocation of residential and retail parking spaces, provided that the number of residential parking spaces shall not exceed a ratio of 0.6 spaces per unit;
  - 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;
  - g. To vary the final streetscaping and landscaping materials on private property as shown on the Final Plans and as shown on the concept design for 1½ Street included as Exhibit 19D of the record based on availability and suitability at the time of construction, to incorporate materials consistent with adjacent public space (including both DDOT standard and DDOT-approved “Yards Standard” materials, furnishings, and fixtures), 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 0.2 based on the area of Parcel I and provides a minimum of 160 linear feet of solar panels;
  - 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, and to tilt the solar panels up to 20% from vertical consistent with Subtitle C, Section 1500.10, so long as such changes do not substantially alter the exterior dimensions shown on the Final 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 final design of the ground floor frontage, including the number, size, design, and location of windows and entrances, signage, awnings, canopies, and similar storefront design features, to accommodate the needs of the specific tenants within the parameters set forth in the Storefront and Signage Plans; and
  - l. To vary the design of the surface parking lot remaining on Parcel H in accordance with the plan submitted as Exhibit 19E of the record.
2. **Ground Floor Uses.** The Applicant shall have flexibility to change the use of the spaces identified as “Retail” in the Final Plans to any use allowed among the “Preferred Uses” in the SEFC-1B zone.
3. **Three-Bedroom Units.** For the life of the Project, the Applicant shall reserve a minimum of 8% of the 1.0 FAR bonus based on the area of Parcel I, or approximately 4,403 square feet of gross floor area, for three-bedroom units in accordance with Subtitle K, Section 202.2(b).
4. **LEED.** The Project shall achieve certification from the U.S. Green Building Council at the level of LEED Silver v4, provided that the Applicant shall have the flexibility to vary the approved sustainable features of the Project as long as the total number of LEED points achievable for the Project does not decrease below the minimum required for the foregoing LEED standard.
5. **Green Area Ratio.** For so long as Parcel H remains improved with a surface parking lot, the Applicant shall have flexibility with respect to complying with the GAR requirements for the underlying record lot containing Parcels H and I pursuant to a variance from the GAR requirements for such record lot.
6. **EV Charging Stations.** For the life of the Project, the Applicant shall provide five (5) electric vehicle charging stations in the Project’s below-grade garage.

7. **Loading Management Plan.** For the life of the Project, the Applicant shall adhere to the following loading management plan measures:
- a. Designate a loading dock manager who will be responsible for coordinating with vendors and tenants to schedule deliveries and who will be on duty during delivery hours;
  - b. Require all retail tenants to schedule any deliveries that utilize the loading docks (defined here as any loading operation conducted using a truck 20 feet in length or larger);
  - c. Require all residential move-ins and move-outs to be scheduled;
  - d. Require the dock manager(s) to schedule deliveries for trucks using the loading berths such that the dock's capacity is not exceeded, and in the event that an unscheduled delivery vehicle arrives while the dock is full, direct that driver to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock;
  - e. Require the dock manager(s) to monitor inbound truck maneuvers and ensure that trucks accessing the loading dock do not block vehicular traffic except during those times when a truck is actively entering the loading facilities;
  - f. Prohibit trucks using the loading dock from idling and direct compliance with 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; and
  - g. Assign the dock manager(s) the responsibility for disseminating suggested truck routing maps to the Project's tenants and to drivers from delivery services that frequently utilize the loading dock and for distributing flyer materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager(s) will also post these documents in a prominent location within the service area.
8. **Transportation Demand Management Measures.** For the life of the Project, the Applicant shall adhere to the following TDM plan measures:
- a. Identify a TDM Leader for operations at the building, which leader will work with residents to distribute and market various transportation alternatives and options;
  - b. Provide TDM materials to new residents in the Residential Welcome Package materials, which shall include, at a minimum, the Metrorail packet guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, Capital Bikeshare coupon or rack card, Guaranteed Ride Home (GRH) brochure,

and the most recent DC Bike Map, all of which materials may be ordered from goDCgo;

- c. Provide the Project's TDM Leaders' contact information to DDOT and goDCgo ([info@godcgo.com](mailto:info@godcgo.com)) and report TDM efforts and amenities to goDCgo staff once per year;
- d. Provide website links to CommterConnections.com and goDCgo.com on property websites;
- e. Post on tenant websites "getting here" information that includes information about how to travel to the Project via Metrorail, bike, walking, and where to park, if driving (a printable map should also be available);
- f. Provide for the Project's TDM Leaders to receive TDM training from goDCgo to learn about the TDM conditions for the Project and available options for implementing the TDM plan;
- g. Post all TDM plan commitments online, publicize availability, and allow the public to see what commitments the Applicant has promised with respect to the Project's TDM;
- h. Host a transportation event for residents, employees, and members of the community once per year for the first three (3) years after opening the Project;
- i. Install a Transportation Information Center Display (electronic screen) within the Project's residential lobby, which Display shall contain information related to local transportation alternatives;
- j. Work with the Capital Riverfront BID's marketing efforts targeting the SE and SW quadrants of the District, which marketing efforts shall include installing posters in bus shelter map cases, transit oriented promotional materials, and special transit maps in Navy Yard area;
- k. Provide at least ten (10) collapsible shopping carts for resident use to run errands and for grocery shopping;
- l. Provide 118 long-term bicycle parking spaces in the Project with room to accommodate non-traditional sized bikes including cargo, tandem, and kids' bikes;
- m. Provide 22 short-term bicycle parking spaces along 1½ Street and/or N Street SE;
- n. Provide a bicycle repair station in the secure long-term bicycle storage room;
- o. Price all parking in the Project at market rates, at minimum, where "market rates" are the average cost for parking at a 0.25 mile radius from the site;

- p. Unbundle the cost of residential parking from the cost of lease of each unit;
  - q. Provide an on-site business center to residents with access to copier and internet services;
  - r. Offer an annual Capital Bikeshare membership to each residential unit in the Project for the first three (3) years after the Project opens to residential tenants, provided the Applicant shall not be required to spend more than \$40,000.00 in the aggregate in satisfaction of this Condition 7.r;
  - s. Provide car-sharing services a right of first refusal for up to two (2) reserved parking spaces in the vehicle parking garage, provided that if the Applicant does not reach an agreement with a car-sharing service to occupy both dedicated spaces, the Applicant shall have no further obligations under this Condition 7.s.
9. The application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in 11-Z DCMR § 702.2. Construction must begin within three years after the effective date of this Order. (11-Z DCMR § 702.3.)
10. 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 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.

On \_\_\_\_\_, upon the motion of \_\_\_\_\_, as seconded by \_\_\_\_\_, the Zoning Commission took FINAL ACTION to APPROVE the application at its public meeting by a vote of x-x-x ([Anthony J. Hood, Robert E. Miller, Peter Shapiro, Peter G. May, and Michael G. Turnbull]).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on \_\_\_\_\_.