

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 20-06B
Z.C. Case No. 20-06B
Felice Development Group
(Modification of Consequence to Approved PUD
@ Square 1048S, Lot 2 [1333 M Street, S.E.])
December 15, 2022

Pursuant to notice, at its public meeting on December 15, 2022,¹ the Zoning Commission for the District of Columbia (the “Commission”) considered the application (“Application”) of Felice Development Group (the “Applicant”) for a Modification of Consequence to approve changes to the planned unit development (“PUD”) approved by Z.C. Order No. 20-06, as amended by Z.C. Order No. 20-06A, for the property located at 1333 M Street, S.E., which is more particularly known as Square 1048-S, Lot 2² (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations”], to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. Pursuant to Z.C. Order No. 20-06, effective April 23, 2021 (the “Original Order”), the Commission approved a Consolidated PUD, First-Stage PUD, and related Zoning Map amendment from the PDR-4 zone to the MU-9 zone for the Property. The Original Order authorized the construction of a mixed-use project consisting of approximately 786,160 square feet of gross floor area (“GFA”), yielding approximately 900 dwelling units; and approximately 44,092 square feet of GFA for non-residential use; and 174 vehicle parking spaces (the “Project”).
2. Pursuant to the Original Order, the Project is to be constructed in phases. The first phase, which is the Consolidated PUD, involves the construction of the East Tower (also known as Building 1-East Tower). The subsequent phase(s) include the construction of the West Tower (also known as Building 1-West Tower) and Building 2, which are the subjects of

¹ The Commission made a determination that this Application was a Modification of Consequence at its October 27, 2022 public meeting.

² At the time of the original PUD approval, the Property consisted of Lot 802 in Square 1025E; Lots 1, 801, and 802 in Square 1048S; and Reservation 129-299. These lots have since been subdivided into a single record lot, i.e., Lot 2 in Square 1048-S.

the First-Stage PUD approval. The East Tower and West Tower will be connected via an elevated bridge and, together, comprise Building 1.

3. Pursuant to Z.C. Order No. 20-06A, effective October 7, 2022, the Commission approved a technical correction to the Original Order to correct the development table provided in Finding of Fact No. 31, specifically in regards to the GFA, floor area ratio (“FAR”), loading requirements, and uses for the East Tower and the West Tower.

PARTIES AND NOTICE

4. In addition to the Applicant, the only other party to the Original Order was Advisory Neighborhood Commission (“ANC”) 6B, the “affected” ANC pursuant to Subtitle Z § 101.8.
5. On September 8, 2022, the Applicant served the Application on ANC 6B, as well as the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Exhibit [“Ex.”] 3.)

II. THE APPLICATION

6. The Application was filed on September 8, 2022, requesting a Modification of Consequence for various changes to the approved PUD. As explained in the Applicant’s initial and subsequent filings,³ the changes were prompted by a need to realign the Consolidated and First-Stage PUD boundaries with the Project’s infrastructure, improve the constructability of the Project, and respond to current market conditions. The Applicant’s final list of changes requested with the Modification of Consequence are set forth below:
 - To shift the eastern boundary of Theoretical Lot 1 to the west, which will reduce the size of Theoretical Lot 1 from 118,633 square feet to 112,665 square feet and expand the size of Theoretical Lot 2 from 8,866 square feet to 14,830 square feet; the total land area of the PUD Site will decrease by approximately 4 square feet;⁴
 - As a result of the proposed adjustments to the theoretical lot lines, to reduce the eastern side yard of the Consolidated PUD from 73’-3” to 21’-8”, and to increase the Consolidated PUD’s East Tower’s FAR from 4.01 to 4.22;
 - To modify the boundaries of the Consolidated PUD and the First-Stage PUD at the ground level to correspond to the theoretical lot adjustment explained above;
 - To modify the boundaries of the Consolidated PUD and the First-Stage PUD below grade, such that the Consolidated PUD only includes the below-grade parking for the East Tower. The below-grade parking for the West Tower and Building 2 are part of

³ The Applicant filed submissions to amend and/or clarify the Application at Exhibits 6, 8, 11, 12, 14, and 15.

⁴ In a supplemental filing dated October 14, 2022, the Applicant explained there are three reasons for shifting the theoretical lot lines: (1) the initial locations posed challenges to adhering to the Building Code due to the required separation between the building face and adjacent property line; (2) the new boundary lines align with the proposed below-grade parking for Building 2; and (3) the proposed shift eliminates the need to implement rear yard flexibility for Building 2. (Ex. 12.)

the First-Stage PUD and will be constructed separately from the parking for the East Tower;

- To modify the vehicle parking for the Project as follows:
 - East Tower/Building 1: Increase the number of vehicle parking spaces provided in the East Tower from 174 to 222 spaces. 103 spaces will be provided at the P1 level; and 119 spaces will be provided at the P2 level;
 - West Tower/Building 1: Provide 68 vehicle parking spaces. 31 spaces will be provided at the P1 level; and 37 spaces will be provided at the P2 level; and
 - Building 2: Provide 14 vehicle parking spaces at the P1 level, where there were none previously;
- To modify the bicycle parking for the Project as follows:
 - East Tower/Building 1: Increase the number of long-term bicycle parking spaces from 111 to 167; and increase the number of short-term bicycle parking spaces from 35 to 58;
 - West Tower/Building 1: Decrease the number of long-term bicycle parking spaces from 52 to 46 spaces; and
 - Building 2: Increase the number of long-term bicycle spaces from 33 to 85 spaces;
- To modify the zoning tabulations provided in Finding of Fact No. 31 as follows to reflect both the technical corrections approved in Z.C. Order No. 20-06A and the modifications approved in this Order (deletions shown in **bold/strikethrough** text; additions in **bold/underlined** text):

| Development Standard | Phase 1: East Tower (Consolidated PUD (First & Second Stage)) | Phase 2: West Tower (First-Stage PUD) | Phase 3: Building 2 (First-Stage PUD) |
|------------------------------|--|--|--|
| GFA | 475,671 sf. (32,217 <u>23,378</u> sf. of non-residential uses) | 237,517 sf. (9,971 sf. of non-residential uses) | 72,973 sf. (1,904 sf. of non-residential uses) |
| FAR | <u>4.01</u> 4.22 | <u>2.0</u> 2.11 | <u>8.23</u> 4.92 |
| | <u>6.04</u> 6.33 total | | |
| Height | 130 ft. | | 92 ft. |
| Penthouse | <u>15</u> 20 ft. | | <u>15</u> 20 ft. |
| Lot Occupancy | <u>61.3</u> 63.3 % | | <u>87.5</u> 55.3 % |
| <u>Vehicle Parking</u> | <u>174</u> spaces | | <u>None</u> |
| <u>Vehicle Parking</u> | <u>222</u> spaces | <u>68</u> spaces | <u>14</u> spaces |
| <u>Bicycle Parking</u> | <u>Long-Term: 167</u> spaces <u>Short Term: 58</u> spaces | <u>Long-Term: 46</u> spaces | <u>Long-Term: 85</u> spaces |
| <u>Loading^{III}</u> | One 55-ft. loading berth One 30-ft. loading berth One service space | One 30-ft. loading berth One service space | None |
| Uses | Residential (<u>496</u> 516 units) Retail | Residential (307 <u>288</u> units) Retail | Residential (<u>97</u> 75 units) Retail |

^{III} As one building for zoning purposes, the East and West Towers will have a single 55-foot berth, two 30-foot berths, and two service spaces.

- To modify the Inclusionary Zoning (“IZ”) chart⁵ for the East Tower of Building 1 provided in Decision D.1 of the Original Order as follows (deletions shown in **bold/strikethrough** text; additions in **bold/underlined** text):

| Residential Unit Type | Residential GSF*/Percentage of Total | # of Units | Reserved for households earning equal to or less than | Affordable Control Period | Affordable Unit Type |
|-------------------------------|--|------------------------------|---|---------------------------|----------------------|
| Total | 443,454 <u>452,827</u> / 100% | 496 <u>516</u> | | | |
| Market Rate | 390,239 <u>398,488</u> / 443,454 <u>452,827</u> = 88% | 417 <u>454</u> | Market Rates | | |
| IZ (Total) | 53,215 <u>54,339</u> / 443,454 <u>452,827</u> = 12% | 79 <u>62</u> | Varies | Life of the Project | |
| IZ** (Studio, 1-BR, and 2-BR) | | 76 <u>59</u> | 60% MFI | Life of the Project | |
| IZ** (2-BR) | | 3 | 50% MFI | Life of the Project | |

* Square footages shown represent gross square feet (“GSF”) of residential use within the project. GSF is inclusive of building area devoted to residential use that meets the definition of “gross floor area” under the 2016 Zoning Regulations (“ZR16”), including building area devoted to residential dwelling units within a penthouse, and also includes building area devoted to dwelling units located within a cellar and building area devoted to residential use within building projections into public space.

** The number of IZ units is approximate based on the current dwelling unit count and layout. In accordance with the flexibility requested by the Applicant, the mix of IZ units may change if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units substantially confirms to the layout shown on the IZ Unit Location Plan included with Exhibit 79A1 of the Z.C. Case 20-06 record (see Sheet A-6) **as modified by Exhibit 3C1 of the Z.C. Case No. 20-06B record (see Proposed Sheet A-6)**.

(Ex. 3, 3C1-3C5, 6, 8, 11, 11A, 12, 12A, 14, 15, 15A-D.)

7. The Applicant also made several refinements to the East Tower, within the flexibility granted in the Original Order, which are reflected in the plans submitted at Exhibits 3C1 – 3C5 of the record and included the following:

- Converting approximately 8,839 square feet of the retail space in the East Tower to residential use, resulting in an increase of approximately 20 residential units to the approved 496-unit count for the East Tower;
- Converting of a portion of the approved penthouse communal space to two 2-bedroom penthouse units;⁶
- Adding 11 ft., 6 in. to the length of the eastern wing of the East Tower above the 2nd floor and decreasing the wing’s width to improve unit layout while maintaining the approved GFA of the East Tower; and

⁵ In a supplemental filing dated October 14, 2022, the Applicant explained that the underlying calculations for the 79 IZ units referenced in the Original Order incorrectly exceeded the Applicant’s 12% IZ proffer and that an accurate calculation, taking into account the modifications requested by this Application, yields a total of 62 IZ units. (Ex. 12.)

⁶ The Applicant stated that in accordance with Decision D.1 of the Original Order, (1) the East Tower will continue to devote no less than 12% of the residential GFA to affordable units; and (2) an area equal to 12% of the floor area of the two additional penthouse units (i.e., 12% of 3,008 square feet, or 360 square feet) will be allocated to an IZ unit reserved at 50% MFI. (Ex. 3.)

- Refining the exterior façade to respond to operable window and venting requirements, as well as for constructability, and relocating the “Boathouse Row” sign from the interior of the Project to the western corner of the East Tower to improve visibility. (Ex. 3, 3C1-3C5, 8.)

TRANSPORTATION DEMAND MANAGEMENT

8. As part of the Application the Applicant’s traffic consultant prepared a transportation study, which includes an updated Transportation Demand Management Plan (“TDM”) to reflect the District Department of Transportation’s (“DDOT”) current guidelines and to mitigate potential impacts resulting from the proposed increase in vehicle parking (Ex. 3D).
9. On October 3, 2022, the Applicant submitted an updated TDM, which was accepted by DDOT. (Ex. 8, 8A.) The revised TDM is incorporated as conditions of approval in this Order.
10. Further, in response to feedback received from ANC 6B, the Applicant agreed to expand its TDM to include the following measures to mitigate the requested increase in vehicle parking:
 - To provide a minimum of 20 long-term residential cargo/tandem sized bicycle parking spaces near the residential elevator cores on the P1 parking level. The Applicant agrees to increase the number of cargo/tandem sized bicycle parking spaces if there is additional demand by residents of the development;
 - To install electrical conduit for electrical vehicle charging stations for 20% of the parking spaces constructed for the PUD;⁷ and
 - Requesting the Commission grant flexibility that permits a reduction in the number of parking spaces without requiring another modification to the PUD.

The Applicant stated that it met with the chair of ANC 6B and confirmed that the above measures sufficiently addressed the issues noted in the ANC’s written report. (Ex. 14, 15.)

III. RESPONSES TO THE APPLICATION

OP

11. OP filed a report dated October 20, 2022, recommending approval of the Application. OP concluded that the Application could appropriately be considered as a Modification of Consequence. OP also explained that the proposed changes would not alter the material facts upon which the Commission based its original approval, or the conditions incorporated in the Original Order. Further, OP noted that “[t]he changes would not diminish the project proffers. With respect to the affordable housing benefit, the applicant

⁷ For the 304 spaces proposed with this modification, a minimum of 60 spaces are required to be equipped with electrical conduit for EV charging stations. This number may be adjusted based on the total number of parking spaces provided so long as a minimum of 20% of the total spaces are “EV ready”.

had proffered the reservation of 12% of the residential GFA for affordable units. With the correction [proposed in the Application], the 12% required by Order 20-06 would still be provided, *albeit* with a reduction in the stated IZ square footage and number of IZ units.” OP asked the Applicant to clarify the locations of the additional vehicle parking spaces.⁸ OP also noted that the proposed change in the location of the “Boathouse Row” sign may not be within the flexibility granted by the Original Order.⁹ (Ex. 13, the “First OP Report”.)

12. OP filed a supplemental report, dated December 8, 2022, reiterating its recommendation that the Commission approve the Application. In the report, OP confirmed that it agreed with the Applicant’s proposed Theoretical Lot boundaries; and the Applicant’s proposed Consolidated PUD and First-Stage PUD boundaries, at-grade and below-grade. (Ex. 15A-15C.) OP also clarified that the proposed below-grade boundaries of the Consolidated PUD do not include the West Tower’s and Building 2’s below-grade areas. OP summarized the proposed increase in the number of vehicular parking spaces and bicycle spaces across the East Tower, West Tower, and Building 2. Further, OP indicated it had no objection to the Applicant’s mitigation measures proposed in response to the ANC. (Ex. 16, the “Supplemental OP Report”, and, together with the First OP Report, the “OP Reports”.)

DDOT

13. DDOT filed a report, dated September 27, 2022, stating that it had reviewed the Application and had no objection to its approval, subject to the condition that the Applicant implement the revised transportation conditions, TDM, and the Loading Management Plan for the life of the project, as proposed with the Applicant’s traffic study¹⁰. (Ex. 7.)

ANC

14. By report dated October 1, 2022, and pursuant to a unanimous vote taken at a regularly scheduled and duly-noticed public meeting on September 13, 2022, ANC 6B indicated that it remains in support of the PUD including the proffered community benefits and impact mitigations and does not oppose the Application. ANC 6B acknowledged the need for additional vehicle parking, but contended that the proposed increase could result in adverse traffic impacts. As such, the ANC encouraged the Applicant to consider the following additional mitigations:
 - Increase the number of long-term residential cargo/tandem sized bike spaces past the approximately 10% proffered and ensure these spaces are located adjacent to the three residential elevator cores on the P1 parking level;

⁸ In a supplemental filing dated December 1, 2022, the Applicant stated the locations of the vehicle parking spaces are reflected in Proposed Sheets A-10 and A-11 of Exhibit 3C2 of the case record.

⁹ In a supplemental filing dated October 3, 2022, the Applicant explained that the change in the location of the “Boathouse Row” sign does not substantially alter the exterior design of the building but, instead, improves the visibility of the sign from M Street. Further, the maximum overall dimensions and signage materials will not change from what is shown in the approved plans. (Ex. 8.)

¹⁰ The Applicant submitted the updated TDM language at Ex. 8A as well, and the updated TDM language corresponds with the language in the Applicant’s traffic study at Ex. 3D, and with the language in DDOT’s report at Ex. 7.

- Increase the number of residential electric vehicle (“EV”) charging stations from the DDOT requested 1 per 50 spaces to reflect the current increased demand and projected increased demand for EVs;
- Comply with the *Electric Vehicle Readiness Amendment Act*, which requires 20% of all parking spaces be designed with electrical conduit for EV charging stations; and
- Provide flexibility in the final order for the Applicant to reduce the number of parking spaces down to the original 1 per approximately 5 units without needing a modification.

(Ex. 9, 14A, the “ANC Report”.)

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a Modification of Consequence as a “modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of a Modification of Consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding at the same time that the request is filed with the Office of Zoning, in this case ANC 6B.
5. At its public meeting on October 27, 2022, the Commission determined that the Application could be properly considered a Modification of Consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify conditions of the Original Order and redesign certain architectural elements, and therefore the modification can be granted without a public hearing pursuant to Subtitle Z § 703.1. During the October 27, 2022 meeting, the Commission also directed the Applicant to clarify the proposed modifications for the Project and to give further consideration to the mitigation measures requested by ANC 6B. The Applicant responded to the requests by filing supplemental statements dated November 3, 2022 and December 1, 2022, respectively, and proposing supplemental conditions and flexibility to address the ANC’s concerns. (Ex. 14-5D.) Furthermore, OP submitted a supplemental report dated December 8, 2022 providing comments which are consistent with the Applicant’s filings. (Ex. 16.) The Commission is satisfied with the Applicant’s and OP’s responses to its requests.
6. The Commission concludes that the Application is consistent with the PUD approved by the Original Order because the proposed changes to the theoretical lot line; the at-grade and below-grade boundaries for the Consolidated PUD and the First-Stage PUD; the eastern side yard of the Consolidated PUD; the vehicle parking and bicycle parking; the

corrections to zoning tabulations in Finding of Fact No. 31; and the corrections to the IZ calculations for the East Tower align with the intent and goals of the original approval and would not result in any negative impacts, subject to the conditions below. The Commission further concludes that the proposed refinements to the design of the East Tower are within the flexibility granted by Conditions A.3. of the Original Order.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

7. The Commission is required to give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
8. The Commission finds OP’s recommendation to approve the Application with the specified conditions persuasive and concurs in that judgment. The Commission acknowledges OP’s reservation about whether the Applicant’s changes to the “Boathouse Row” sign is permitted under the flexibility granted by the Original Order. However, the Commission is persuaded by the Applicant’s argument that the change falls within the design flexibility approved by Condition A.3 of the Original Order since the overall dimensions and materials of the sign remain unaltered. The Commission agrees that the proposed change is within the flexibility granted by the Original Order and therefore does not need to be approved as a part of this Application.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

9. The Commission must give “great weight” to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted).)
10. The Commission acknowledges ANC 6B’s overall support for the PUD with reservations that the modifications’ impacts, specifically the increase in vehicle parking, could be further mitigated by an increase in the number of long-term residential cargo/tandem sized bike spaces near the residential elevator cores; an increase in the number of residential EV charging stations; compliance with the *Electric Vehicle Readiness Amendment Act*; and flexibility allowing the Applicant to reduce the number of parking spaces without needing

to file another modification request. The Commission notes that the Applicant responded to the ANC's requests by proposing additional TDM measures which were responsive to the ANC's concerns and requesting the Commission include flexibility in this Order to reduce the number of parking spaces without requiring a further modification request. The Commission affords the requisite great weight to the ANC and believes the aforementioned conditions, which are included in this Order, address the concerns noted in the ANC Report.

DECISION

In consideration of the case record and the Findings of Fact and Conclusion of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and, therefore, **APPROVES** the Applicant's request for a Modification of Consequence to Z.C. Order No. 20-06 for:

Approved Modifications

1. The PUD shall consist of two theoretical lots as shown on Proposed Sheet A-4, marked as Ex. 15A of the record. Theoretical Lot 1 shall consist of 112,665 square feet of land area; and Theoretical Lot 2 shall consist of 14,830 square feet of land area.
2. The eastern side yard of the Consolidated PUD is reduced from 73'-3" to 21'-8", as shown on Proposed Sheet A-7, marked as Ex. 3C1 of the record for Z.C. Case No. 20-06B.
3. At grade level, the Consolidated PUD boundary and the First-Stage PUD boundary shall be as shown at Ex. 15B of the case record for Z.C. Case No. 20-06B.
4. Below grade, the Consolidated PUD boundary and the First-Stage PUD boundary shall be as shown at Ex. 15C of the case record for Z.C. Case No. 20-06B.
5. As shown on Proposed Sheets A-10 and A-11, marked as Ex. 3C2 of the record for Z.C. Case No. 20-06B, the East Tower shall include 222 below-grade vehicular parking spaces; 103 spaces at Level P1 and 119 spaces at Level P2. The West Tower shall include 68 vehicular parking spaces, 31 spaces at Level P1, and 37 spaces at Level P2. Building 2 shall include 14 vehicular spaces at Level P1.
6. As shown on Proposed Sheets A-10 and A-11, marked as Ex. 3C2 of the record for Z.C. Case No. 20-06B, the Project shall include a total of 298 long-term and 58 short-term bicycle parking spaces. The East Tower shall include 167 long-term and 58 short-term bicycle parking spaces. The West Tower shall include 46 long-term bicycle parking spaces. Building 2 shall include 85 long-term bicycle parking spaces.
7. The zoning tabulations provided in Finding of Fact No. 31 of Z.C. Order No. 20-06 are modified as follows to reflect both the technical corrections approved in Z.C. Order No.

20-06A and the modifications approved in this Order (deletions shown in **bold/strikethrough** text; additions in **bold/underlined** text):

| Development Standard | Phase 1: East Tower (Consolidated PUD (First & Second Stage)) | Phase 2: West Tower (First-Stage PUD) | Phase 3: Building 2 (First-Stage PUD) |
|------------------------------|--|--|--|
| GFA | 475,671 sf. (32,217 <u>23,378</u> sf. of non-residential uses) | 237,517 sf. (9,971 sf. of non-residential uses) | 72,973 sf. (1,904 sf. of non-residential uses) |
| FAR | <u>4.01 4.22</u> | <u>2.0 2.11</u> | <u>8.23 4.92</u> |
| | <u>6.01 6.33</u> total | | |
| Height | 130 ft. | | 92 ft. |
| Penthouse | <u>15 20</u> ft. | | <u>15 20</u> ft. |
| Lot Occupancy | <u>61.3-63.3%</u> | | <u>87.5-55.3%</u> |
| Vehicle Parking | <u>174 spaces</u> | | <u>None</u> |
| Vehicle Parking | <u>222 spaces</u> | <u>68 spaces</u> | <u>14 spaces</u> |
| Bicycle Parking | <u>Long-Term: 167 spaces</u> <u>Short Term: 58 spaces</u> | <u>Long-Term: 46 spaces</u> | <u>Long-Term: 85 spaces</u> |
| Loading^[1] | One 55-ft. loading berth One 30-ft. loading berth One service space | One 30-ft. loading berth One service space | None |
| Uses | Residential (496 <u>516</u> units) Retail | Residential (307 <u>288</u> units) Retail | Residential (97 <u>75</u> units) Retail |

^[1] As one building for zoning purposes, the East And West Towers will have a single 55-foot berth, two 30-foot berths, and two service spaces.

The Approved Modifications are subject to the conditions and provisions of Z.C. Order No. 20-06, which are modified to read as follows below (deletions shown in **bold/strikethrough** text; additions in **bold/underlined** text). All other conditions in Z.C. Order No. 20-06, as amended by Z.C. Order No. 20-06A, remain unchanged and in effect.

A. PROJECT DEVELOPMENT

1. The approved project (the “Approved PUD”) shall be developed in accordance with the following plans and as modified by the guidelines, conditions, and standards herein:
 - The First-Stage Plans, dated November 19, 2020, and marked as Ex. 80A1-80C of the record for Z.C. Case No. 20-06 except as modified by the plans dated September 7, 2022, and marked as Ex. 3C1-3C5 of the record for Z.C. Case No. 20-06B, and as further modified by the Proposed Sheets marked as Ex. 15B-15C of the record for Z.C. Case No. 20-06B; and
 - The Consolidated PUD plans dated November 19, 2020, and marked as Ex. 79A1-79C of the record for Z.C. Case No. 20-06 except as modified by the plans dated September 7, 2022, and marked as Ex. 3C1-3C5 of the record

for Z.C. Case No. 20-06B, and as further modified by the Proposed Sheets marked as Ex. 15B-15C of the record for Z.C. Case No. 20-06B
(collectively, the “Approved Plans”).

2. The Approved PUD shall have the following flexibility from the requirement of the Zoning Regulations:
 - West Tower of Building 1
 - Court C1 is permitted to have a width of 36 feet, 7 inches where a width of 39 feet, 7 inches is required, as reflected on the Court and Yards Diagram on Sheet A-7 of the First-Stage PUD Plans for the West Tower (Ex. 80A1);
 - Building 2
 - A Rear Yard measuring 12 feet, 7 inches is permitted where a rear yard of 23 feet, 5 inches is required;
 - Court C-7 is permitted to have a width of 17 feet, 1 inch where 32 feet, 8 inches is required, as reflected on the Courts and Yards Diagram on Sheet A-7 of the First-Stage PUD Plans, for Building 2 (Ex. 80A1); and
 - Loading – loading and service facility requirements are waived; **; and**
 - As requested by ANC 6B, the Applicant is granted flexibility to reduce the number of vehicular parking spaces without requiring another modification to the Approved PUD.
3. In accordance with the Approved Plans, the Approved PUD shall have:
 - A maximum building height of:
 - 130 feet (East and West Towers of Building 1); and
 - 92 ft (Building 2);
 - Approximately 786,160 square feet of GFA, including **44,092 35,253** square feet of nonresidential GFA; and
 - An FAR of 6.17 for the PUD Site;
 - Lot occupancy of 63.1% for the PUD Site;
 - Approximately **900 879** residential units with 12% subject to the Inclusionary Zoning requirements; **and**
 - Approximately **174 304** on-site parking spaces; **; and**
 - **Approximately 298 long term bicycle parking spaces and approximately 58 short term bicycle parking spaces.**

B. BUILDING PERMIT REQUIREMENTS

1. **Together with its application for the first Building Permit for the Approved PUD, the Applicant shall:**
 - a. ***Environmental*** - Submit a checklist evidencing that the Project has been designed to LEED-Gold standards under the LEED-v4 for BD+C: New Construction and Major Renovation standard.

2. Prior to the issuance of the first Building Permit for the Approved PUD, the Applicant shall:
 - a. ***Public Space Improvements*** - During DDOT Public Space Committee review of the First Phase of the Approved PUD, the Applicant shall submit to DDOT a signage and striping plan for Water Street, S.E., between 12th and M Streets, S.E. (either as a part of the public space application for M Street, S.E., and Virginia Avenue, S.E. or as a separate public space application). Subject to DDOT's review and approval, implement the signage and striping plan during construction of the West Tower in the second phase of the Approved PUD.
 - b. ***Monetary Contribution for Senior Programming*** - Contribute \$25,000 to the Department of Parks and Recreation to support the programming for seniors at the Arthur Capper Recreation Center.
 - c. ***Transportation Demand Management Measures***
 - The Applicant shall develop a concept to convert Water Street, S.E. from an automobile-oriented connection between 12th and M Streets, S.E., to a shared street (a.k.a. "neighborhood greenway") in which bikes and pedestrians have priority over vehicles, subject to DDOT approval, with the additional guidance:
 - This will be limited to new signage and pavement markings, including Anacostia Riverwalk Trail branding;
 - Other elements would be limited to lower speed limit, use of flex posts, and automobile restrictions achieved through geometric changes at Water Street's intersections with both 12th and M Streets, S.E., to discourage non-local vehicle use. Any geometric changes at the intersection of Water and M Streets, S.E. will be incorporated into the Applicant's plans to reconfigure the intersection with a traffic circle. Any geometric changes at the intersection of Water and 12th Streets, S.E., would be limited to installation of flex post delineators;
 - The Applicant will collect current daily traffic counts on Water Street, S.E., and at driveways along Water Street, S.E., (at the time the concept is being developed) to better inform the design;
 - The Applicant will involve a representative from the ANC throughout the design process; and
 - If DDOT is unable to come to an agreement with the Applicant on the design of Water Street, S.E., then a new ten-foot trail along the Water Street, S.E., frontage will be constructed; and
 - Submit a signage and striping plan for Water Street SE, between 12th and M Streets SE (either as a part of the public space application for M Street S.E. and Virginia Avenue SE or as a separate public space application) to DDOT during DDOT Public Space Committee review of the First Phase of the Approved PUD. Subject to DDOT's review and

approval, implement the signage and striping plan during construction of the West Tower in the second phase of the Approved PUD.

C. CERTIFICATE OF OCCUPANCY REQUIREMENTS

1. **Prior to the issuance of the first Certificate of Occupancy for the Approved PUD**, the Applicant shall:
 - a. ***Public Space Improvements*** - construct the following improvements in public space and/or for the use by the public:
 - ~~M Street. As reflected on Sheets L-08 and L-09 of the Applicant's Consolidated PUD Plans, (Ex. 79A1-79C), the Applicant will relocate the Anacostia Bike Trail to the north side of M Street, S.E., in order to provide a better connection to the existing trail to west. The Applicant will reconstruct the bike trail to DDOT's current standard width of ten feet.~~
 - ~~Virginia Avenue. The Applicant will re-establish Virginia Avenue, S.E., and construct the roadway to current DDOT standards and will include bioretention facilities.~~
 - ~~Arrival Plaza. The Arrival Plaza will be improved with an expansive green lawn and function as a pedestrian promenade and plaza. The Applicant shall maintain the improvements in the Arrival Plaza **for the life of the project**;~~
 - ~~Waterfront Plaza. The Waterfront Plaza at the terminus of Virginia Avenue, S.E., will include a monumental staircase and accessible walkways, and is designed to accommodate outdoor dining, small gatherings, art fairs, a farmers' market and other similar community activities. The Applicant shall maintain the improvements in Waterfront Plaza **for the life of the project**;~~
 - ~~14th Street Corridor Plaza. The 14th Street Corridor Plaza is designed to provide connectivity between the proposed Southeast Boulevard Pedestrian Bridge and the lower Retail Promenade and Water Street, S.E. The Applicant shall maintain the connectivity **for the life of the project; and**~~
 - ~~Lower Retail Promenade. The Lower Retail Promenade will be improved with a great lawn and provide access to Water Street, S.E., and the Anacostia Bike Trail. The Applicant shall maintain the Lower Retail Promenade **for the life of the Project**.~~
2. **Prior to the issuance of a Certificate of Occupancy for the East Tower of Building 1**, the Applicant shall:
 - a. ***Monetary Contribution for Senior Programming***
 - Expend \$225,000 to cover the costs related to identifying and securing a site for an adult day care center in the Capitol Hill neighborhood of Ward 6 or Hill East Reservation 13. The funds will be used to engage Iona and/or Capitol Hill Village to produce a report including but not limited to the following:

- An evaluation of the demand and demographic data for adult day care;
- Production of a matrix of prioritized adult day care service needs and the square footage required to meet those needs;
- Identification of potential sites for an adult day care center serving Capitol Hill;
- Development of test fits or preliminarily designs of a proposed space;
- Identification of the cost to secure a site and develop such a facility;
- Development of a proposed timeline for completion of the activities necessary to develop the proposed center; and
- Identification of potential adult day care providers to develop and run the proposed center; and
- File documentation, including a copy of the final report, with the Zoning Administrator demonstrating that this condition has been satisfied as set forth above. Copies of the final report will also be made publicly available on the website of the organization overseeing the production of the report.

3. **Prior to the issuance of the final Certificate of Occupancy for the Second-Stage PUD, the Applicant shall:**

- a. ***Environmental***
 - Install solar panels on top of the West Tower of Building 1 that will generate at least one percent (1%) of the energy for the tower;
 - Install a composite of extensive, intensive green roof systems, and hardscaped areas for the roof terrace on Building 2, which shall include a garden or other green roof infrastructure that is as large as commercially and operationally feasible, but not smaller than 45% exclusive of roof areas needed for mechanical equipment and elevator overruns; and
 - Achieve a Green Area Ratio for the Project of no less than 0.225; and
- b. ***Transportation Demand Management Measures***
 - Provide a copy of the Loading Management Plan (the “LMP”) to the Transportation Coordinator so they are aware of the commitment. The LMP includes the following provisions:
 - A member of the on-site management team will be designated as a loading coordinator (duties may be part of other duties assigned to the individual). He or she will coordinate all loading activities for Building #2 (including deliveries, trash disposal, and residential move-in and move-out activities) and ensure bicycle and pedestrian safety is not compromised or traffic impeded on M Street S.E.;
 - The loading coordinator will be responsible for informing tenants of the guidelines and procedures for loading and delivery operations. The loading coordinator will inform tenants of DDOT’s regulations for moving trucks and will work with tenants when applying for DDOT “Emergency, No Parking” signs for moving trucks;

- The Applicant or loading coordinator will file a permit application with DDOT and coordinate with DDOT's Parking and Ground Transportation Division (PGTD) on the appropriate signage and size of loading or no parking zone on M Street adjacent to Building 2;
- In the event the designated on-street loading or no parking zone is full, the loading coordinator may direct the truck driver to return at another time, reroute trucks to the loading berths of Building 1A or 1B, or reroute trucks to Virginia Avenue or the internal north-south private driveway;
- All tenants of Building #2 will be required to notify the loading coordinator before moving in or out. The tenant shall provide the loading coordinator the following information: time and date that the truck is anticipated to arrive, size of truck being used, and name of the moving service (if applicable);
- The loading coordinator will ensure that moving trucks use the designated loading zone on M Street adjacent to Building #2. If multiple move-in/move-out events overlap, additional moving trucks will be required to obtain a permit from DDOT to establish a temporary on-street no parking zone nearby;
- The privately hired trash company will roll trash bins out the side of the building to the M Street curb at the time of trash pick-up and then back inside when trash collection is completed. Trash and recycling bins will not be stored in public space;
- Trash and delivery trucks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godego.com/freight). The loading coordinator will distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure, to drivers as needed to encourage compliance with idling laws; and
- The loading coordinator will be responsible for disseminating suggested truck routing maps to drivers from delivery and trash pick-up services that frequently serve Building 2, as well as notifying drivers of any access or egress restrictions.

4. **Prior to the issuance of the final Certificate of Occupancy for the Approved PUD, the Applicant shall:**

- a. ***Environmental*** - Provide a signed affidavit to the Zoning Administrator evidencing that the Applicant has registered the Project under the LEED-v4 for BD+C: New Construction and Major Renovation standard. The signed affidavit shall also include the steps taken by the Applicant towards certification of the

Project under the LEEDv4 for BD+C: New Construction and Major Renovation standard;

b. *Transportation Demand Management Measures*

- ~~Construct the missing curb ramp on the east side of 12th Street, S.E., approximately 200 feet south of M Street, S.E. (Maritime Plaza I driveway), subject to DDOT approval;~~
- ~~Install one (1) four-dock expansion plate to the existing CaBi station at Potomac Avenue, S.E., and 8th Street, S.E. subject to DDOT approval;~~
- ~~Construct and install at least five (5) missing tree boxes and street trees along the off-site segment of M Street between 12th Street and Virginia Avenue, subject to DDOT approval;~~
- ~~Install a Transportation Information Center Display (electronic screen) within each residential lobby containing information related to local transportation alternatives. At a minimum, the display should include information about nearby Metrorail, Circulator, and Metrobus stops and schedules, car sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles;~~
- ~~Increase the number of lockers and showers provided for retail employees to meet the minimum required by the Zoning Regulations;~~
- ~~Establish the minimum cost of residential parking based on the average market rate within a quarter mile of the site;~~
- ~~Provide one (1) collapsible shopping cart (utility cart) for every 50 residential units, for a total of 18 utility carts, in order to encourage residents to walk to the grocery store and run errands; and~~
- ~~Work with another entity (e.g., Capitol Riverfront BID) to provide a shuttle service between the PUD site and a nearby Metrorail Station. The shuttle shall operate with headways between 10-15 minutes and shall operate during the weekday AM and PM commuter peak periods. The exact shuttle route and pick-up/drop-off areas in public space shall be coordinated with DDOT. The shuttle shall run until such time as the pedestrian bridge over Southeast Boulevard is constructed and open for use. In the event there is a desire to eliminate shuttle service prior to the construction of the pedestrian bridge due to low ridership, the Applicant will work with DDOT to understand reasons why the ridership is low (e.g. other alternative transportation options are available, biking/walking is preferred over shuttle, etc.) and collaborate on how to improve service and ridership. If increased vehicular traffic related to the project is determined to be the reason for low ridership, the Applicant will work with DDOT to determine if a substitute TDM measure is necessary.~~
- Install one four-dock expansion plate to the existing CaBi station at Potomac Avenue S.E., and 8th Street, SE, subject to DDOT approval;

- Fund and install a 23-dock Capital Bikeshare (CaBi) station with 12 bikes and fund one year of maintenance and operations costs. Subject to DDOT's approval, the Bikeshare station shall be sited in such a way to allow expansion of the dock up to 47 docks, being free and clear of obstructions such as utility access holes, trees, or other locations that would prevent expansion of the station;
- Provide a bicycle repair station in the garage;
- Provide two lockers and two showers for retail employees;
- Work with another entity (e.g., Capitol Riverfront BID) to provide a shuttle service between the PUD site and a nearby Metrorail Station. The shuttle shall operate with headways between 10-15 minutes and shall operate during the weekday AM and PM commuter peak periods. The exact shuttle route and pick-up/drop-off areas in public space shall be coordinated with DDOT. The shuttle shall run until such time as the pedestrian bridge over Southeast Boulevard is constructed and open for use. In the event there is a desire to eliminate shuttle service prior to the construction of the pedestrian bridge due to low ridership, the Applicant will work with DDOT to understand reasons why the ridership is low (e.g. other alternative transportation options are available, biking/walking is preferred over shuttle, etc.) and collaborate on how to improve service and ridership. If increased vehicular traffic related to the project is determined to be the reason for low ridership, the Applicant will work with DDOT to determine if a substitute TDM measure is necessary;
- Construct the missing curb ramp on the east side of 12th Street, S.E., approximately 200 feet south of M Street, S.E. (Maritime Plaza I driveway), subject to DDOT approval.
- Construct and install at least five missing tree boxes and street trees along the off-site segment of M Street between 12th Street and Virginia Avenue, subject to DDOT approval.
- Provide a minimum of 20 long-term residential cargo/tandem sized bicycle parking spaces near the residential elevator cores on the P1 parking level. The Applicant agrees to increase the number of cargo/tandem sized bicycle parking spaces if there is additional demand by residents of the development; and
- Install electrical conduit for electrical vehicle charging stations for 20% of the parking spaces constructed for the PUD.¹¹

5. Prior to the issuance of the final Certificate of Occupancy for each building, the Applicant shall for each respective building:

¹¹ For the 304 spaces proposed with this modification, a minimum of 60 spaces are required to be equipped with electrical conduit for EV charging stations. This number may be adjusted based on the total number of parking spaces provided so long as a minimum of 20% of the total spaces are "EV ready".

- Install a Transportation Information Center Display (electronic screen) within each residential lobby containing information related to local transportation alternatives. At a minimum, the display should include information about nearby Metrorail, Circulator, and Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles; and
- Provide long-term bicycle parking in accordance with the following table:

| Type of Space | Long-Term | | | |
|-------------------------------|------------|------------|-----------|------------|
| | West Tower | East Tower | Bldg. 2 | Total |
| <u>Total Horizontal</u> | <u>26</u> | <u>97</u> | <u>56</u> | <u>179</u> |
| <u>Total Vertical</u> | <u>20</u> | <u>70</u> | <u>29</u> | <u>119</u> |
| <u>Tandem/Cargo</u> | <u>2</u> | <u>10</u> | <u>8</u> | <u>20</u> |
| <u>Equipped with Electric</u> | <u>5</u> | <u>17</u> | <u>8</u> | <u>30</u> |
| <u>Total</u> | <u>46</u> | <u>167</u> | <u>85</u> | <u>298</u> |

Employees and residents will not be charged for the usage of the bicycle storage room. Strollers will be permitted to be stored in the bicycle storage room.

6. Beginning with the first Certificate of Occupancy for the Approved PUD, the Applicant shall:

- Provide a one-year bikeshare membership for each residential unit at initial occupancy;
- Provide one free \$10 SmarTrip card and an annual Capital Bikeshare membership for each residential unit at initial occupancy and
- Construct the following improvements in public space and/or for the use by the public:
 - M Street – As reflected on Sheets L-08 and L-09 of the Applicant's Consolidated PUD Plans, (Ex. 79A1-79C of Z.C. Case No. 20-06), the Applicant will relocate the Anacostia Bike Trail to the north side of M Street, S.E., in order to provide a better connection to the existing trail to west. The Applicant will reconstruct the bike trail to DDOT's current standard width of 10 feet;
 - Virginia Avenue – The Applicant will re-establish Virginia Avenue, S.E. and construct the roadway to current DDOT standards and will include bioretention facilities; and
 - The Applicant will install 52 short-term bicycle spaces (26 racks) in public space along M Street and Virginia Avenue.

D. REQUIREMENTS FOR THE LIFE OF THE APPROVED PUD

For the life of the Approved PUD, the Applicant shall:

1. *Affordable Housing:*

- Reserve no less than 12% of the Project's residential gross floor area (including cellar floor area dedicated to dwelling units, projections dedicated to residential use, and noncommunal penthouse space in the Project), as determined by the Zoning Administrator to be compliant with the Inclusionary Zoning requirements at permit issuance for households with incomes not exceeding 60% of median family income ("MFI"), except that:
 - Three of the six two-bedroom IZ units in the East Tower of Building 1, the first phase of the Approved PUD, shall be reserved for households with incomes not exceeding 50% of MFI; and
 - One two-bedroom unit in the West Tower of Building 1, the second phase of the Approved PUD, shall be reserved at 50% of MFI; and
- In the East Tower of Building 1, the first phase of the Approved PUD, the affordable units shall be in accordance with the following chart:

| Residential Unit Type | Residential GSF*/Percentage of Total | # of Units | Reserved for households earning equal to or less than | Affordable Control Period | Affordable Unit Type |
|-------------------------------|--|--------------------------|---|---------------------------|----------------------|
| Total | 443,454 <u>452,827</u> / 100% | <u>496</u> <u>516</u> | | | |
| Market Rate | 390,239 <u>398,488</u> / 443,454 <u>452,827</u> = 88% | <u>417</u> <u>454</u> | Market Rates | | |
| IZ (Total) | 53,215 <u>54,339</u> / 443,454 <u>452,827</u> = 12% | <u>79</u> <u>62</u> | Varies | Life of the Project | |
| IZ** (Studio, 1-BR, and 2-BR) | | <u>76</u> <u>59</u> | 60% MFI | Life of the Project | |
| IZ** (2-BR) | | 3 | 50% MFI | Life of the Project | |

* Square footages shown represent gross square feet ("GSF") of residential use within the project. GSF is inclusive of building area devoted to residential use that meets the definition of "gross floor area" under the 2016 Zoning Regulations ("ZR16"), including building area devoted to residential dwelling units within a penthouse, and also includes building area devoted to dwelling units located within a cellar and building area devoted to residential use within building projections into public space.

** The number of IZ units is approximate based on the current dwelling unit count and layout. In accordance with the flexibility requested by the Applicant, the mix of IZ units may change if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units substantially confirms to the layout shown on the IZ Unit Location Plan included with Exhibit 79A1 of the Z.C. Case 20-06 record (see Sheet A-6) as modified by Exhibit 3C1 of the Z.C. Case No. 20-06B record (see Proposed Sheet A-6).

4. *Transportation Demand Management Measures* Implement the Loading Management Plan that is set forth below:

- The Transportation Coordinator shall submit documentation to DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.
- The Transportation Coordinator shall submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final certificate of occupancy for the project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT.
- The Applicant shall develop a concept to convert Water Street, S.E. from an automobile-oriented connection between 12th and M Streets, S.E., to a shared street (a.k.a. “neighborhood greenway”) in which bikes and pedestrians have priority over vehicles, subject to DDOT approval, with the additional guidance:
 - This will be limited to new signage and pavement markings, including Anacostia Riverwalk Trail branding.
 - Other elements would be limited to lower speed limit, use of flex posts, and automobile restrictions achieved through geometric changes at Water Street’s intersections with both 12th and M Streets, S.E., to discourage non-local vehicle use. Any geometric changes at the intersection of Water and M Streets, S.E. will be incorporated into the Applicant’s plans to reconfigure the intersection with a traffic circle. Any geometric changes at the intersection of Water and 12th Streets, S.E., would be limited to installation of flex post delineators.
 - The Applicant will collect current daily traffic counts on Water Street, S.E., and at driveways along Water Street, S.E., (at the time the concept is being developed) to better inform the design.
 - The Applicant will involve a representative from the ANC throughout the design process.
 - If DDOT is unable to come to an agreement with the Applicant on the design of Water Street, S.E., then a new ten-foot trail along the Water Street, S.E., frontage will be constructed.
- A one-year bikeshare membership for each residential unit at initial occupancy.
- Fund and install a 23-dock Capital Bikeshare (CaBi) station with 12 bikes and fund one year of maintenance and operations costs. Subject to DDOT’s approval, the Bikeshare station shall be sited in such a way to allow expansion of the dock up to 47 docks, being free and clear of obstructions

~~such as utility access holes, trees, or other locations that would prevent expansion of the station.~~

- ~~Provide a bicycle repair station in the garage.~~

5. Loading Management Plan ~~Implement the Loading Management Plan that is set forth below:~~

- ~~A member of the on-site management team will be designated as a loading coordinator (duties may be part of other duties assigned to the individual). The loading coordinator will coordinate all loading activities for Building 2 (including deliveries, trash disposal, and residential move-in and moveout activities) and ensure bicycle and pedestrian safety is not compromised or traffic impeded on M Street, S.E., from these activities.~~
- ~~The loading coordinator will be responsible for informing residential and retail tenants of the guidelines and procedures for loading and delivery operations.~~
- ~~The loading coordinator will inform tenants of DDOT's regulations for moving trucks and will work with tenants when applying for DDOT "Emergency, No Parking" signs for moving trucks.~~
- ~~The Applicant or loading coordinator will file a permit application with DDOT and coordinate with DDOT's Parking and Ground Transportation Division (PGTD) on the appropriate signage and size of loading or "no parking" zone on M Street, S.E., adjacent to Building 2.~~
- ~~In the event the designated on-street loading or "no parking" zone is full, the loading coordinator may direct the truck driver to return at another time, reroute trucks to the loading berths of the East and West Towers of Building 1, or reroute trucks to Virginia Avenue, S.E., or the internal north-south private driveway.~~
- ~~All tenants of Building 2 will be required to notify the loading coordinator before moving in or out. The tenant shall provide the loading coordinator the following information: time and date that the truck is anticipated to arrive, size of truck being used, and name of the moving service (if applicable).~~
- ~~The loading coordinator will ensure that moving trucks use the designated loading zone on M Street, S.E., adjacent to Building 2. If multiple move-in/move-out events overlap, additional moving trucks will be required to obtain a permit from DDOT to establish a temporary on-street no parking zone nearby.~~
- ~~The privately hired trash company will roll trash bins out the side of the building to the M Street curb at the time of trash pick-up and then back inside as soon as trash collection is complete. Trash and recycling bins will not be stored in public space.~~
- ~~Trash and delivery trucks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to~~

~~Title 20 DCMR, Chapter 9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godego.com/freight). The loading coordinator will distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure, to drivers as needed to encourage compliance with idling laws.~~

- ~~• The loading coordinator will be responsible for disseminating suggested truck routing maps to drivers from delivery and trash pick-up services that frequently serve Building 2, as well as notifying drivers of any access or egress restrictions.~~

4. Transportation Demand Management Measures -- Implement a Transportation Demand Management Program, as outlined below:

- Transportation Coordinators will be identified for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. Transportation Coordinators' contact information will be provided to goDCgo. Transportation Coordinators' duties shall include:**
 - Conducting an annual commuter survey of residents on-site, and reporting TDM activities and data collection efforts to goDCgo once per year;**
 - Developing, distributing, and marketing various transportation alternatives and options to the residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;**
 - Providing welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com;**
 - Providing residents who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future; and**
 - Posting all TDM commitments on website, allowing the public to see what commitments have been promised;**
- Transportation Coordinators shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;**

- Transportation Coordinators shall subscribe to goDCgo's residential newsletter;
- The cost of vehicle parking shall be unbundled from the lease or purchase agreement for each residential unit;
- The minimum cost of residential parking shall be established based on the average market rate within a quarter mile of the site;
- One collapsible shopping cart (utility cart) shall be provided for every 50 residential units, for a total of 18 utility carts, in order to encourage residents to walk to the grocery store and run errands;
- All transportation and TDM commitments will be posted on the building website, which will be publicized;
- The Transportation Coordinator shall submit documentation to DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case; and
- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator shall submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have 60 days from the date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.

VOTE (December 15, 2022): 4-0-1

(Anthony J. Hood, Robert E. Miller, Peter G. May, and Joseph S. Imamura to APPROVE; 3rd Mayoral Appointee seat vacant, not voting)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-06B shall become final and effective upon publication in the *DC Register*, that is, on April 7, 2023.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.


 ANTHONY J. HOOD
 CHAIRMAN
 ZONING COMMISSION


 SARA A. BARDIN
 DIRECTOR
 OFFICE OF ZONING

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.