

GOVERNMENT OF THE DISTRICT OF COLUMBIA



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION NO. 21-27
Z.C. Case No. 21-27
Chun-Chau Lam
(Design Review @ Square 653, Lots 65, 66, 827, 829, and 830)
February 9, 2023**

Pursuant to notice, at its February 9, 2023 public meeting, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of Chun Chau Lam (“Applicant”)¹ requesting the following relief under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (“DCMR”), Zoning Regulations of 2016, to which all references are made unless otherwise specified):

- Design review approval pursuant to Subtitle K, Chapter 5 and Subtitle Z, Chapter 6 with flexibility from the rear yard (Subtitle K § 502.7), closed court (Subtitle K § 502.9), and front setback requirements (Subtitle K § 510.1(b).

The relief was requested for Lots 65, 66, 827, 829, and 830 in Square 653 (“Property”) to construct a new mixed-use multi-family building with ground floor retail and second floor office space (“Project”) in the CG-2 zone. The Commission conducted the public hearing in accordance with Subtitle Z. For the reasons below, the Commission hereby APPROVES the application.

FINDINGS OF FACT

I. BACKGROUND

PARTIES

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant; and
 - Advisory Neighborhood Commission (“ANC”) 6D, in which the Property is located and so is an “affected ANC” per Subtitle Z § 101.8.
2. The Commission received a request for Party Status from Sheila Samaddar and Greg Keagle (Ex. 22) which was later withdrawn (Ex. 46).

¹ The respective owners are: Shing W. Lam and Sau Chan (Lot 827), R S Liquors Inc. c/o Shing-Wai Lam (Lots 829 and 830), and Chun-Chau Lam (Lots 65-66). The owners of the lots agreed to collective representation by Chun-Chau Lam.

HEARING AND NOTICE

3. Pursuant to Subtitle Z § 301.6, the Applicant mailed a Notice of Intent to file the Application on June 24, 2021, to ANC 6D and the Owners of property within 200 feet of the Property. (Ex. 2D1).
4. Pursuant to Subtitle Z § 402, on January 5, 2022, the Office of Zoning (“OZ”) sent notice of the February 28, 2022 public hearing to: (Ex. 6)
 - The Applicant;
 - ANC 6D;
 - ANC 6D06 Single Member District Commissioner, whose district includes the Property;
 - The Office of the ANCs;
 - Ward 6 Councilmember, whose district includes the Property;
 - The Chair and At-Large members of the D.C. Council;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Department of Consumer and Regulatory Affairs (“DCRA”);
 - The Office of Zoning Legal Division (“OZLD”);
 - The Department of Energy and the Environment (“DOEE”); and
 - Owners of property within 200 feet of the Property.
5. Pursuant to Subtitle Z § 402.1(a), OZ also published the public hearing notice in the January 7, 2022, D.C. Register. (Ex. 4.)
6. Pursuant to Subtitle Z §§ 402.8 and 402.9, the Applicant filed an affidavit supported by photos stating that on January 12, 2022, it had posted the required notice of the public hearing. (Ex. 8.)
7. On January 31, 2022, the Applicant requested a postponement of the originally scheduled February 28, 2022, hearing to April 21, 2022, stating that the purpose of the postponement was to accommodate ANC 6D’s meeting schedule. (Ex. 11).
8. Pursuant to Subtitle Z § 402, on February 2, 2022, the Office of Zoning (“OZ”) sent notice of the April 21, 2022, rescheduled public hearing to: (Ex. 13, 14)
 - The Applicant;
 - ANC 6D;
 - ANC 6D06 Single Member District Commissioner, whose district includes the Property;
 - The Office of the ANCs;
 - Ward 6 Councilmember, whose district includes the Property;
 - The Chair and At-Large members of the D.C. Council;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);

- The Department of Consumer and Regulatory Affairs (“DCRA”);
 - The Office of Zoning Legal Division (“OZLD”);
 - The Department of Energy and the Environment (“DOEE”); and
 - Owners of property within 200 feet of the Property.
9. Pursuant to Subtitle Z § 402.1(a), OZ also published the public hearing notice for the first rescheduled hearing in the February 11, 2022, D.C. Register. (Ex. 12.)
 10. The Applicant presented at the first hearing on April 21, 2022. Alexandra Wilson, Land Use Counsel from Sullivan and Barros, appeared on behalf of the Applicant. Chun-Chau (“Jason”) Lam also appeared on behalf of the owners. Richard Markus, project architect, was sworn in as an expert and provided testimony on behalf of the Applicant, as did William Zeid, the Applicant’s traffic expert (Ex. 27F-27H).
 11. After the conclusion of the first hearing, the Zoning Commission requested the hearing be continued and a continued hearing was scheduled for June 23, 2022.
 12. On June 13, 2022, the Applicant requested a postponement of the originally scheduled June 23, 2022 continued hearing to October 3, 2022, stating that it needed additional time to work with the Office of Planning and with the ANC. (Ex. 35).
 13. On October 3, 2022, the Zoning Commission requested to continue the hearing to January 5, 2023, so that the Applicant could attend the Public Space Committee hearing in October and finalize the agreement with the then-party in opposition.
 14. The third and final hearing took place on January 5, 2023, where the Applicant was represented by Land Use Counsel Alexandra Wilson from Sullivan and Barros, Architect Richard Markus from Rich Markus Architects, and Traffic Consultant William Zeid from Gorove Slade. (Ex. 52)
 15. The Commission voted _____ to approve the Application on February 9, 2023.

THE PROPERTY

16. The Property contains 7,131 square feet of land area and is located in the CG-2 Zone. The Property is an L-shaped parcel made up of five lots (Lots 65, 66, 827 829, and 830). It is currently improved with a small liquor store, a parking lot, and two, two-story row buildings. (Ex. 2).
17. The Property has frontage on N Street, SW to the north and South Capitol Street to the east. To the south and west of the Property are row dwellings and a new development at 1319 S Capitol Street, which is the subject of ZC Order No. 20-18. (Ex. 2)

18. The Property is directly across the street from Nationals Park, north of the Camden South Capitol Apartments, which are the subject of Z.C. Order No. 06-41, and a proposed development at 1319 S Capitol Street, which is the subject of Z.C. Order No. 20-18. The Property is two blocks east of the Greenleaf recreation center and housing development and three blocks north of the Anacostia River. (Ex. 2)
19. The Property is less than a ½ mile from the Navy Yard-Ballpark Metrorail Station and one block south of the bus lines along M Street. (Ex. 2)

ZONING

20. The Property is located in the CG-2 Zone. The CG Zones are intended to, among other things, “[a]ssure development with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings as generally indicated in the Comprehensive Plan and recommended by planning studies of the area” and encourage a “variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel uses.” (Subtitle K § 500.1.) The CG-2 zone is intended to permit medium-density mixed-use development with a focus on residential use and provide for the establishment of South Capitol Street as a monumental civic boulevard. (Subtitle K § 502.1.)
21. The CG-2 Zone permits a maximum floor area ratio (“FAR”) of 7.2 inclusive of the Inclusionary Zoning and residential density bonuses, with a maximum FAR of 2.0 for nonresidential use. (Subtitle K § 502.3.) The CG-2 Zone permits a maximum height of 110 feet for projects that trigger the residential density bonus. (Subtitle K § 502.4.)

COMPRESSIVE PLAN (TITLE 10-A OF THE DCMR, THE “PLAN”) AND OTHER RELEVANT PLANNING DOCUMENTS

22. The Plan’s Future Land Use Map (“FLUM”) designates the Property as Mixed-Use Medium Density Residential / Moderate Density Commercial.
23. The Plan’s Generalized Policy Map (“GPM”) designates the Property as a “Neighborhood Enhancement Area”; such areas are “neighborhoods with substantial amounts of vacant and underutilized land.” New development in Neighborhood Enhancement Areas should “respond to the existing character” and “[n]ew housing [is] encouraged to improve the neighborhood.” New development must be consistent with the FLUM. Plan § 223.6.
24. The Property is included in the Southwest Neighborhood Small Area Plan, although no specific directives about this site are included in the plan.
25. The Project will help achieve a number of the Plan’s goals for the neighborhood, including enhancing pedestrian connections and safety, supporting the transformation of South

Capitol Street into a high density, urban boulevard that establishes a robust pedestrian realm, adopting sustainable policies to showcase the Southwest neighborhood as a steward of green, sustainable practices, and maintaining a mix of affordable and market-rate residential units that better serve community needs. (Southwest Neighborhood Plan pp. 5-8).

26. The Property is located within the “Lower Anacostia Waterfront and Near Southwest” Area Element, one of the ten area elements contained in the Comprehensive Plan.
27. The project would also further the policies of the Lower Anacostia Waterfront and Near Southwest Element as it would help to “transform South Capitol Street into a great urban boulevard and walking street, befitting its role as a gateway to the U.S. Capitol...” (AW-2.2.1).
28. This Application will further the goals around racial equity. Specifically, the proposal will facilitate the creation of a new development that will bring (1) market-rate and affordable housing; and (2) employment and business opportunities where there are only two occupied row dwellings and a small business (which will be retained). Additionally, this development triggers enhanced sustainability requirements and the Applicant is proposing to achieve LEED certification. Without approval of the design review application, redevelopment of those row dwellings would be permitted, but at a much higher price point, and likely for-sale whereas the proposal creates affordable rental housing, and employment opportunities. In conclusion, the proposal is not inconsistent with the Comprehensive Plan, including the Comprehensive Plan’s racial equity goals.

II. THE APPLICATION

THE PROJECT

29. The Applicant proposed a mixed-use project with: (Ex. 2G1-3, 21B1-B2, 27B1-B2, 34A, 38A-A1, 42A1-A2, 47A)
 - A maximum height of 108.5 feet plus a habitable penthouse;
 - Approximately 51,313 square feet of gross floor area (“GFA”), plus a habitable penthouse, for a total FAR of approximately 7.195 based on the lot area of 7,131 sq. ft.;
 - 49 Residential units-- twelve percent (12%) of the residential gross floor area, or approximately 6 units will be set aside for IZ; one of the units will be set aside for households with an annual income of 50% or less of the Median Family Income (“MFI) and the rest will be set aside for households with an annual income of than 60% or less of the Median Family Income (“MFI”), pursuant to Inclusionary Zoning requirements (“IZ Units”);
 - Approximately 6,000 square feet of retail use and 4,900 square feet of office use; and
 - Four short-term and 24 long-term bicycle parking spaces.

30. While the design changed throughout the process, the overall program did not undergo any material changes. (Ex. 2G1-3, 21B1-B2, 27B1-B2, 34A, 38A-A1, 42A1-A2, 47A).

APPLICANT'S SUBMISSIONS

In addition to the testimony at the public hearing, the Applicant made the following submissions to the record in support of the Application:

- The initial December 21, 2021, application and related materials requesting design review approval, special exception approval and related flexibility (Ex. 1-2G3);
- A Comprehensive Transportation Review and subsequent final LDM &LMP Plan (Ex. 9,18 the“CTR”; Ex. 27D);
- An April 18, 2022 supplemental pre-hearing submission (Ex. 27-27I), (the “April Pre-Hearing Submission), which included a complete Plan analysis, a complete updated set of plans for the Project, summary of witness testimony and expert resumes, and requested flexibility language;
- An April 20, 2022 hearing submission with the Applicant’s hearing presentation (Ex. 31A1-31A2, the “April Hearing Submission”);
- A May 26, 2022 supplemental pre-hearing submission in anticipation of the originally scheduled June hearing (Ex. 34-34E), (the “May Pre-Hearing Submission), which included updated architectural plans, a timeline of ANC outreach, a summary of the plan changes and outreach, truck and vehicle turn diagrams, easement information, updated conditions and flexibility, and a proposed agreement with ANC 6D;
- A September 13, 2022 supplemental pre-hearing submission (Ex. 38-38F), (the “September Pre-Hearing Submission), which included updated architectural plans, 3D images, comprehensive list of plan changes and updates to zoning flexibility, a proposed settlement agreement, summary of the ANC discussions and public space committee status, and proposed conditions and flexibility to the order;
- A September 30, 2022 hearing submission with the Applicant’s hearing presentation (Ex. 43A1-A2, the “September Hearing Submission”);
- A November 30, 2022 supplemental pre-hearing submission (Ex. 47-47B), (the “November Pre-Hearing Submission), which included updated renderings and plans.
- A January 4, 2023 hearing submission with the Applicant’s hearing presentation (Ex. 50, the “January Hearing Submission”);
- Submitted on February 2, 2023, the Applicant’s proposed findings of fact and conclusions of law. (Ex. 53.)

RELIEF REQUESTED

31. The Applicant requested (Ex. 2, Ex. 38):

- Design Review approval of the Project, including the following flexibility (which is described in greater detail below) from the rear yard (Subtitle K § 502.7), closed court (Subtitle K § 502.9), and front setback requirements (Subtitle K § 510.1(b) of the CG-2 zone;

32. The Applicant also requested the following flexibility for the final design of the Project: (Ex. 34D.)²:

- To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not materially change the exterior configuration or appearance of the building;
- To vary the final selection of the exterior materials within the color ranges of the material types as proposed, based on availability at the time of construction without reducing the quality of the materials;
- To make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, balconies, canopies and trim, such that the refinements do not substantially change the external configuration of appearance of the building;
- To vary the number of residential units;
- To vary the final mix of IZ units in the event that floor plan changes impact the required IZ, so long as the Applicant complies with all IZ requirements in the Zoning Regulations, the Applicant meets a 12% set-aside requirement and sets aside at least one of the units at 50% MFI as requested by DHCD (Exhibit 24, page 17), and the units do not appear stacked;
- To vary the roof plan as it relates to the green roof areas, solar panels, planters, and terraces, provided that total GAR is not reduced below the permitted GAR in the zone and that the Applicant provide solar panels;
- To modify the streetscape design and areas in public space in response to DDOT and the public space permitting process; and
- To vary the items on the LEED Scorecard so long as the project receives LEED GOLD Certification.

APPLICANT'S JUSTIFICATION

CG Design Review (Subtitle K § 512.3)

33. CG Zone Purposes (K § 512.3(a)). The Applicant is proposing a Project that will include a mixture of residential and commercial use. The height and density of the Building are appropriate for this area and are within the height and density permitted in the CG-2 Zone District. Further, the Building envelope is not inconsistent with its medium density residential and moderate density commercial designation on the District of Columbia Comprehensive Plan's Future Land Use Map ("FLUM"). Specifically, the addition of 49 residential units, neighborhood-serving retail space, and office space will contribute to the desired use mix in the Capitol Gateway zones, particularly along South Capitol Street. Additionally, the Project uses high-quality materials that complement the existing and

² These requests for flexibility have been slightly revised herein, at the end of the Order, to provide more detail with respect to the LEED certification and also request flexibility for only +/- 1 unit, not 2 units.

planned buildings along South Capitol Street and in the neighborhood along with employing a building form that sets back from and defers to South Capitol Street. This Building materiality and configuration allows for the framing of the South Capitol monumental boulevard between the US Capitol Dome. (Ex. 2, 47A-B)

34. Desired Use Mix (K § 512.3(b), X § 604.7(b)). The Project provides the multifamily residential and retail uses identified as desired uses in Subtitle K § 512.3(b). (Ex. 2, 47A-B).
35. Context with the Surrounding Neighborhood and Street Patterns (K § 512.3(c), X §604.7(c)). The Project is consistent with the medium density residential and moderate density commercial development encouraged along this portion of South Capitol in the CG-2 Zone. The Property is abutting the proposed developments at 1319 South Capitol and 1345 South Capitol Street, SW. The project at 1319 South Capitol Street, SW was approved by ZC Order No. 20-18. Although those buildings are of a similar height to the proposed building, approximately 110 feet in height, the nearby projects are much larger. For example, the development at 1319 S Capitol proposes 300+ units. The neighboring buildings, and many other similar residential and mixed-use projects along South Capitol Street near the Property frame the vistas along this corridor similarly to the Project. The Project will be consistent with the build-out of this area and allow for the infill of these corner lots. The development will also encourage pedestrian activity along South Capitol Street through the inclusion of well-designed streetscape improvements, a robust landscaping and hardscaping strategy, and multiple pedestrian entrances to the residential and retail spaces. The design reflects the character of this neighborhood through its use of materiality – specifically brick material and massing and how it builds to the corner to emphasize the monumentality of the corner. (Ex. 2, 47A-B.)
36. Minimize Pedestrian and Vehicular Conflicts (K § 512.3(d), X § 604.7(a) & (f)). The proposed design promotes a safe and efficient pedestrian experience with the removal of all existing curb cuts, as there is no proposed on-site parking or loading, which will naturally limit conflict between vehicles and pedestrians (Ex. 2, 47A-B.)
37. Minimize Unarticulated Blank Walls Adjacent to Public Spaces (K § 512.3(e), X § 604.7(a) & (d)). The building facades are highly articulated and differentiated at each elevation and there are no blank walls or facades (Ex. 2, 47A-B.)
38. Minimize Environmental Impact (K § 512.3(f), X § 604.7(e)). The Project is designed to a minimum of LEED v.4 Gold and incorporates solar panels on the rooftop. (Ex. 2, Ex. 47A-B.)
39. Massing, Materials and Design Promote South Capitol Street as Monumental Boulevard (K § 512.6(a)). The proposed Building is designed to frame the South Capitol Street boulevard in a manner sensitive to its importance. This is achieved through Building articulation, honoring the setback for the upper stories along South Capitol Street, and streetscape improvements and plantings along the street, all as demonstrated by the Plans. The design reflects the character of this neighborhood through its use of materiality – specifically brick material and massing and how it builds to the corner to emphasize the monumentality of the corner (Ex. 2, Ex. 47A-B.)

40. Massing, Access, and Service Areas Recognize Nearby Residential Neighborhood (K § 512.6(b)). The pedestrian access to, and experience of, the Property will be from both N Street and South Capitol Street. The Building has been designed to respect the importance of being located on such a highly visible and high-trafficked corner. (Ex. 2, Ex. 47A-B.)
41. View Analysis to Assess Openness of Views and Vistas (K § 512.6(c)). The Applicant's view analysis demonstrates that the Project will not detract from the views of the Capitol Dome and Nationals Park (Ex. 47A-B.)

General Design Review (X 604)

42. The Applicant asserted:
 - a. The proposal meets X-604.7(a) as Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including: (1) Multiple pedestrian entrances for large developments; (2) no driveway or garage access to the street; (3) Commercial ground floors contain active uses with clear, inviting windows; (4) Blank facades are prevented; and (5) Wide sidewalks are provided. (11-X DCMR § 604.7(a)). (Ex. 2)
 - b. The proposal meets X-604.7(b), as public gathering spaces and open spaces are encouraged, near transportation hubs, and the Project includes a unique landscaped and hardscaped plaza that allows for public use adjacent to the Building's main entrance and extending into the interior of the site. The Project also includes improvements to the South Capitol and N Street streetscapes. (11-X DCMR § 604.7(b)) (Ex. 2)
 - c. The proposal meets X-604.7(c) as the development respects the historic character of Washington's neighborhoods, including respecting, though not need imitating, though, the continuity of neighborhood architectural character and respecting and protecting key landscape vistas and axial views of landmarks and important places. (11-X DCMR § 604.7(c)) (Ex. 2)
 - d. The proposal meets X-604.7(d) as the building has attractive and inspired façade design, including which reinforces the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories and incorporates contextual and quality building materials and fenestration. (11-X DCMR § 604.7(d)) (Ex. 2)
 - e. The proposal meets X-604.7(e) as the site is designed with sustainable landscaping and will meet or exceed LEED Gold standards and provide green roofs and solar panels on the roof. (11-X DCMR § 604.7(e)) (Ex. 2).
 - f. The proposal meets X-604.7(f) as the site is developed to promote connectivity both internally and with surrounding neighborhoods, including streetscape improvements to the adjacent components of South Capitol and N Street to enhance the pedestrian experience and increase mobility. The development includes bicycle facilities within and adjacent to the Building (11-X DCMR § 604.7(f)) (Ex. 2).

Design Review Flexibility (X 603.1)

43. Rear Yard. The Applicant justified the requested flexibility from the CG-2 Zone requirement under Subtitle K § 502.7(a) to provide no rear yard on the first floor and a minimum rear yard of 11 feet instead of the required 15 feet on the upper stories. The

flexibility meets the intent of the regulations as the majority of the rear yard is provided, the flexibility is only requested for the balcony projections into the rear yard for the upper stories.

44. South Capitol Setback. The Applicant justified the requested flexibility from the CG-2 Zone South Capitol Setback requirement under Subtitle K § 510.1(b)(1). The flexibility meets the intent of the regulation as it would simply allow the bays along South Capitol Street to project 3 feet into the required 15-foot setback from South Capitol Street, and only on the first two stories.
45. Closed Court. The Applicant justified the requested flexibility from the CG-2 Zone closed court requirements under Subtitle K § 502.9 to allow a 15 ft. wide and 210 sq. ft. closed court where 36.2 ft. width and 2,616 sq. ft. closed court would be required. The flexibility meets the intent of the regulations as a closed court is not required in this zone. The Property is subject to an easement and the proposed location of the closed court simply allows for the easement to remain open and unoccupied.

III. RESPONSES TO THE APPLICATION

OP

46. OP submitted a report dated April 11, 2022 (Ex. 24, “OP Report”) that recommended approval of the design review application, including the flexibility for the closed court (rear yard and south capitol setback were not yet needed). OP evaluated the application against the general design review criteria set forth in Subtitle X § 601 through 604 as well as against the CG-specific design review criteria in Subtitle K § 512. OP also provided a detailed evaluation of the Project against the Plan, including through a racial equity lens, and concluded that the Project was not inconsistent with the Plan.
47. The OP Report included the following requests and recommendations:
 - a. Address design comments from OP’s Urban Design Division;
 - b. Provide a LEED checklist. The design should, at a minimum, meet LEED Gold standards and the applicant should commit to actual certification;
 - c. Provide solar energy generation on-site;
 - d. Submit elevation drawings for south and west façades;
 - e. Identify on the plans the locations of the IZ units;
 - f. Describe or quantify the penthouse IZ contribution;
 - g. Demonstrate that the design complies with K § 510.1(b)(1), which stipulates that a minimum percentage of the building façade must be built to the setback line;
 - h. Clarify whether the existing rowhouses that are part of this proposal are currently occupied as residential units; and
 - i. Provide analysis through a Racial Equity lens as required under the Comprehensive Plan.
48. In response to OP’s requests and recommendations, the Applicant provided a supplemental pre-hearing submission (Ex. 27-27I), (the “April Pre-Hearing Submission), which included a complete Plan analysis, a complete updated set of plans for the Project, summary of witness testimony and expert resumes, and requested flexibility language;

49. At the hearing, OP testified in support of the Application but noted that it would continue to work with the Applicant to refine the design if the hearing was continued. (Tr. p. 84-87; hearing April 21, 2022).
50. OP submitted a supplemental report dated September 23, 2022 (Ex. 39, “OP Supplemental Report”) that recommended approval of the design review and associated flexibility and citing that the Applicant satisfied OP’s outstanding concerns from the last hearing in Ex. 38-38F. OP made further recommendations related to the brick color, retail bays, and balconies.
51. In response to OP’s requests and recommendations, the Applicant provided an updated set of plans and renderings on November 30, 2022 (Ex. 47A-B).
52. At the hearing, OP testified in support of the Application, noting that the Applicant worked closely with OP’s design division to achieve the final design for the building and public space realm. (Tr. p. 60-62; hearing January 5, 2023).

DDOT

53. DDOT submitted a report dated January 14, 2022 (Ex. 23, “DDOT Report”) that indicated that it has no objection to approval of the design review application subject to Applicant implementing the Transportation Demand Management (“TDM”) Plan as proposed in the Applicant’s CTR (Ex. 10-10A), subject to the following revisions:
 - Clarify that a minimum of 12 long-term bicycle parking spaces (50%) will be designed to be installed horizontally on the ground.
 - Clarify that a minimum of two (2) long-term bicycle parking spaces will be designed to accommodate larger tandem and cargo bicycles. The current language states only one (1) will be provided, while the CTR Guidelines calls for at least two (2).
 - Revise bullet: Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future, such as the Parking Cash-out Law.
54. The DDOT report also noted that its support was subject to Applicant implementing the Loading Management Plan (“LMP”) as proposed in the Applicant’s CTR (Ex. 10-10A), subject to the following revisions:
 - Clarify that “No Parking: Loading Zone” or comparable signage and placards, to be determined by Curbside Management Division (CMD), will be used.
 - Revise the division name from PGTD to Curbside Management Division (CMD) and remove reference to supplemental BZA report.
 - Clarify that the loading zone manager will “encourage and facilitate obtaining ‘Emergency No Parking’ signs...”
 - Include a bullet addressing trash operations.
 - When entering the LMP into the Draft Zoning Order, revise wording of bullets to be closer to the language on page E-4 in Appendix E of the CTR Guidelines. Several other bullets in the LMP may need to be further refined.

55. The Applicant revised the LMP and TDM Plan accordingly and submitted its revisions in Ex. 27D.
56. At the initial hearing, DDOT testified in support of the Application and confirmed that the Applicant's responses satisfactorily addressed DDOT's recommendations. (Tr. April 21, 2022, p. 89-90.)
57. DDOT submitted a supplemental report (the "DDOT Supplemental Report") (Ex. 51) at the request of the Commission to relay the events and procedure surrounding the Public Space Committee hearing on October 27, 2022.
58. DDOT's supplemental report stated:

At the hearing, DDOT reiterated its objection to the curb cut on N Street as noted in the original report to the ZC, for the following reasons:

 - The curb cut would interrupt the streetscape along N Street and remove green space from the right-of-way;
 - The curb cut would create a new conflict point between pedestrians and backing trucks;
 - Parking and loading are not required by the Zoning Regulations; and
 - The curb cut would result in loss of an on-street parking/loading space.

DDOT does not support a curb cut in the shown location or anywhere else along the front age on N Street. A driveway closer to South Capitol Street could pose additional conflicts with turning vehicles.

 - The PSC concurred with DDOT and took action to deny the curb cut on N Street and approve the closure of the existing curb cuts. The PSC letter is included as Attachment 1.
 - Since the January 5, 2023, ZC Hearing, DDOT has been in communication with Commissioner Hamilton (6D08) to clarify all items.

ANC

59. The ANC submitted three reports. The first is dated April 18, 2022 and the ANC voted 6-0-0 to oppose the Applicant's submission specifically noting concerns over traffic and parking, and design of the façade, and landscaping and related issues. (Ex. 28). The Applicant responded to these initial issues in Ex. 34C and 38E.
60. The ANC's second report was submitted on September 29, 2022 (Ex. 40). The ANC voted 6-0-0 to conditionally support the Project contingent on the Public Space Committee approving the proposed curb cut.
61. The ANC's third report was submitted on December 16, 2022 (Ex. 48). The ANC voted 6-0-0 to oppose the Project, citing concerns over traffic and parking, and aesthetics and design.
62. At the hearing, Commissioners Fredrica Kramer and Rhonda Hamilton testified that the ANC's primary concern was the lack of a curb cut and the potential impacts on traffic and loading along N Street.
63. The Applicant's team responded by providing a thorough explanation of the attempts to obtain a curb cut and parking and why the Public Space Commission ultimately denied the curb cut. (Tr. January 5, 2023, pp. 76-87)
64. The Applicant's architect responded to the ANC's design related comments during the hearing, noting that the Applicant reviewed the surrounding brick pattern, specifically the Syphax School, and are looking in the same color family for the brick color for the subject Building, which is also what they used for the proposed adjacent building at 1319 South Capitol Street. (Tr. January 5, 2023, p.32-34, 36, 55-60).

Party Status and Subsequent Withdraw

65. On April 7, 2022, Sheila Samaddar and Greg Keagle filed a request for Party Status (the “Party”) (Ex. 22).
66. The Applicant submitted a response to the Party Status request on April 14, 2022 (Ex. 25).
67. Party status was granted by the Commission at the April 21, 2022, hearing.
68. Through its counsel, Aristotle Theresa, the Party in Opposition testified at the April 21, 2022 hearing that its concerns were related to the validity of the easement. (Tr., April 21, 2022).
69. Ultimately, the Party withdrew its opposition as it reached an agreement with the Applicant, including conditions to limit the Applicant’s use of the easement to pedestrian emergency egress only. (Ex. 46).

CONCLUSIONS OF LAW

AUTHORITY- DESIGN REVIEW

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may approve a Capitol Gateway design review application consistent with the requirements of Subtitle K § 512, Subtitle X, Chapter 6, and Subtitle Z § 301.
2. Subtitle K § 512 requires design review approval from the Commission for development on properties abutting South Capitol Street, such as the Property.
3. Pursuant to Subtitle X § 600.1, the purpose of the design review process is to:
 - (a) *Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;*
 - (b) *Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;*
 - (c) *Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;*
 - (d) *Promote high-quality, contextual design; and*
 - (e) *Provide for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.*
4. Subtitle X § 603.1 authorizes the Commission, as part of the design review process, to “grant relief from development standards for height, setbacks, lot occupancy, courts, and building transitions, as well as any of a specific zone ... [but] not ... other building development standards including FAR, Inclusionary Zoning, or Green Area Ratio.”
5. Subtitle X § 603.3 provides that “[e]xcept for height, the amount of relief is at the discretion of the Zoning Commission, provided that the relief is required to enable the applicant to meet all of the standards of Subtitle X § 604.”
6. Subtitle X § 603.4 provides that “[a]n application for a special exception or variance that would otherwise require the approval of the Board of Zoning Adjustment may be heard simultaneously with a Design Review application, and shall be subject to all applicable special exception criteria and variance standards”

SPECIFIC CG DESIGN REVIEW (SUBTITLE K § 512.3)

7. Based on the case record and the Findings of Fact above, the Commission concludes that the Application satisfies the applicable design review requirements of Subtitle K § 512.3 as detailed below:
- **Subtitle K § 512.3(a)** – The Project will achieve the applicable objectives of the Capitol Gateway as defined in Subtitle K § 500.1 as follows:
 - K § 500.1(a) – The Project provides a mix of medium-density residential and moderate-density commercial uses in line with the Plan and the Guide.
 - K § 500.1(b) – The Project encourages a variety of support and visitor-related uses such as retail and service uses.
 - K § 500.1(g) – The Project provides for the establishment of South Capitol Street as a monumental civic boulevard.
(The remaining purposes of the CG zone are not applicable to the Property.)
 - **Subtitle K § 512.3(b)** – The Project will help achieve the desired use mix by providing residential, retail, and service uses.
 - **Subtitle K § 512.3(c)** – The Project will be in context with medium-density residential and moderate density commercial development encouraged along South Capitol Street in the CG-2 Zone. The Project will redevelop an underutilized site currently devoted to a small commercial liquor store, a parking lot, and two small row buildings and will further the overall revitalization of the immediate vicinity consistent with the vision for South Capitol Street.
 - **Subtitle K § 512.3(d)** – The Project will minimize conflict between vehicles and pedestrians as there are no proposed curb cuts.
 - **Subtitle K § 512.3(e)** – The Project will minimize unarticulated blank walls adjacent to public spaces through highly articulated and differentiated on each elevation, thus eliminating unarticulated blank walls adjacent to public spaces. The façade articulation includes high-quality building materials, brick, and glass patterning to play into the monumental corner, and balconies.
 - **Subtitle K § 512.3(f)** – The Project will minimize impact on the environment through a commitment to being certifiable at the LEED Gold level and through specific measures such as solar panels, and a green roof.
 - **Subtitle K § 512.6(a)** – The Project incorporates massing, materials, and streetscape landscaping to further the establishment of South Capitol Street as a monumental civic boulevard. The Project is designed to frame the South Capitol Street right of way in a manner sensitive to its importance, which is achieved through facade articulation, specifically designing the brick and glass to build to the corner of South Capitol Street and N Street.
 - **Subtitle K § 512.6(b)** –The pedestrian access to, and experience of, the Property will be from both N Street and South Capitol Street. The Building has been designed to respect the importance of being located on such a highly visible and high-traffic corner. The larger commercial space is located along primarily along South Capitol Street, directly across from Nationals Park, and has two pedestrian entrances- one on South Capitol and one on N Street. The smaller retail space has one entrance on the westside of the building, along N Street.
 - **Subtitle K § 512.6(c)** – The Application includes the required view analyses, which shows that the Project will positively contribute to the views north towards the Capitol and

Nationals Park and the Capitol. Further, the bulk of the Building is set back from South Capitol Street, which will allow a more expansive viewshed facing toward both the Capitol.

GENERAL DESIGN REVIEW CRITERIA (SUBTITLE X § 604)

8. Based on the case record and the Findings of Fact above, the Commission concludes that the Application satisfies the applicable general design review requirements of Subtitle X § 604 as detailed below.
9. The Commission concludes that the Application complies with the general design review requirement of Subtitle X §§ 604.1 and 604.2 to comply with the specific design review requirements because the Application satisfies Subtitle K § 512.3 as discussed above.
10. The Commission concludes that the Application satisfies the requirement of Subtitle X § 604.5 to not be inconsistent with the Comprehensive Plan because the Project:
 - Includes a mix of residential and commercial uses at a height and density that is consistent with the Property’s Mixed Use Medium Density Residential / Moderate Density Commercial and Neighborhood Enhancement Area designations on the FLUM and GPM;
 - Will create new housing, and affordable housing, office, and retail, on a site that is currently occupied by a parking lot, a liquor store with only two employees, and two units of market rate housing. This will increase housing opportunities and affordable housing opportunities in a soon-to-be amenity-rich neighborhood and provide significant employment opportunities that are not currently available on site, all of which also furthers racial equity goals of the Plan; and
 - Is not inconsistent with the relevant objectives of the Plan and the Southwest Neighborhood Small Area Plan as it fits in with the concepts of reinforcing the neighborhood design as a “modernist gem”, a “green oasis”, and a “thriving town center.”
11. The Commission concludes that the Application satisfies the requirements of Subtitle X-604.6 to not tend to adversely affect the use of neighboring property and the general special exception criteria of Subtitle X, Chapter 9, as discussed below:
 - ***Subtitle X § 901.2(a)*** – The building and its uses are, on the whole, consistent with the CG-2 Zone goals and requirements. Accordingly, the Project is in harmony with the Zoning Regulations and Maps.
 - ***Subtitle X § 901.2(b)*** – The design of the building and uses within the building fit well within the surrounding existing and planned uses and includes ground-floor retail which will contribute positively to the broader Southwest neighborhood and this portion of South Capitol Street. Accordingly, the Project will not adversely affect the use of neighboring property.
12. The Commission concludes that the Application satisfies the requirements of Subtitle X §§ 604.7 and 604.8 to be superior to matter-of-right construction, with respect to the Project’s creative massing, detailing, materials selection, and other design features, based on the following criteria:
 - ***Subtitle X § 604.7(a)*** – The Project will encourage a vibrant and active pedestrian environment surrounding the Property, with setbacks along South Capitol Street and N Street to create generous pedestrian zones and highly articulated facades to establish a dynamic streetscape. There is no proposed on-site loading or parking, which eliminates

any driveway access. The proposed commercial lower level contains active uses with clear and inviting windows.

- ***Subtitle X § 604.7(b)*** – Open space adjacent to the new proposed retail uses on the ground floors is being provided, in a location adjacent to central transit stations, and near the Washington National’s baseball stadium.
- ***Subtitle X § 604.7(c)*** – The Project will further the promotion of the South Capitol Street corridor as a monumental boulevard by revitalizing an underutilized site and replacing the current uses, which are not compatible with this important civic avenue and viewshed. The first and second floor will utilize a similar or the same brick color as the approved project next-door at 1319 South Capitol, which has also committed to a brick color that is typical of the neighborhood.
- ***Subtitle X § 604.7(d)*** – The Project reinforces the pedestrian realm and focuses the design of the lower level façades on creating a welcoming pedestrian environment through the use of bay window projections to enhance the sense of openness and invitation.
- ***Subtitle X § 604.7(e)*** – The Project incorporates sustainable landscaping and will include green roof features, landscaping adjacent to retail, LEED Gold certification, and solar panels.
- ***Subtitle X § 604.7(f)*** – The Project is designed to facilitate connectivity not only through the site but to the surrounding community. The Project includes streetscape improvements to the adjacent components of South Capitol and N Street to enhance the pedestrian experience and increase mobility. The development includes bicycle facilities within and adjacent to the Building.

13. The Commission concludes that the requested design review flexibility pursuant to Subtitle X § 603 from the rear yard requirements, South Capitol setback requirements, and closed court requirements, meets the standards of Subtitle X § 604. The requested rear yard flexibility permits the Project to achieve balcony projections. The requested South Capitol setback flexibility is only for a few bays on the lower levels of the building and is generally consistent with the intent of the setback requirements to preserve viewsheds along South Capitol while allowing the inviting façade for the proposed retail spaces. The requested flexibility from the closed court requirements is required so that the Applicant can comply with the easement restrictions on the Property in which the Building cannot be located within the easement.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

14. The Commission must give “great weight” to the recommendation 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 (2018 Repl.) and Subtitle Z § 405.8. (Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1086-87 (D.C. 2016).)
15. The Commission finds OP’s evaluation of the Application as having satisfied the applicable design review requirements to be persuasive, concurs with OP that the Applicant has satisfactorily addressed OP’s recommendations, and concurs with OP’s recommendation to approve the Application.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

16. 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 this 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 (1978) (citation omitted).
17. ANC 6D submitted a final report that expressed a number of issues and concerns. The Commission gives great weight to the legally relevant issues and concerns of the ANC and finds that they can be mitigated or resolved as follows:
 - The ANC expressed concerns over the bay windows and the design not meeting that of Old Southwest. The Commission finds that the Applicant has worked to find a brick color consistent with that of the Old Southwest as demonstrated on the plans, and one that will fit the brick color of the 1319 Building next door as expressed by the Applicant’s architect at the hearing.
 - The ANC also expressed concerns over the impact of the lack of a loading dock. The Commission finds that the concerns over the lack of on-site loading can be mitigated by the proposed Loading Demand Management conditions that will be implemented for the life of the project. The proposed scenario has been thoroughly reviewed by DDOT which provided a detailed supplemental report explaining why this is the better option for the Property. Further, the Commission finds that this proposal will best minimize pedestrian and vehicular conflicts which is one of the goals of the regulations governing the design review process.

DECISION

Based on the case record, the testimony at the public hearing, and the above Findings of Fact and Conclusions of Law, the Commission concludes that the Applicant has satisfied its burden of proof and therefore APPROVES the Application’s request for the following relief for the Property:

- Design review approval pursuant to Subtitle K, Chapter 5, and Subtitle X, Chapter 6, with flexibility from the rear yard requirements, South Capitol setback requirements, and closed court requirements.

Said approval is subject to the following conditions, standards, and flexibility:

PROJECT DEVELOPMENT

The Project shall be built in accordance with the plans and elevations dated 42A1-2 & 42B (“Final Plans”) and with requested zoning flexibility, subject to the following areas of flexibility and conditions:

LEED.

1. The Project shall be designed to achieve LEED Gold v.4 certification, 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. Prior to the issuance of a building permit, the Applicant shall submit evidence from its architect certifying compliance with this condition.

Inclusionary Zoning.

2. The Project will provide 12% of the GFA set-aside for IZ and at least one unit at a 50% MFI rate. The Applicant shall have the flexibility to vary the final mix of IZ units in the event that floor plan changes impact the required IZ, so long as the Applicant complies with all IZ requirements in the Zoning Regulations, the Applicant meets a 12% set-aside requirement and sets aside at least one of the units at 50% MFI as requested by DHCD (Exhibit 24, page 17), and the units do not appear stacked.

Design Flexibility:

The Applicant shall have the flexibility to:

3. Vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not materially change the exterior configuration or appearance of the building;
4. Vary the final selection of the exterior materials within the color ranges of the material types as proposed, based on availability at the time of construction without reducing the quality of the materials;
5. To modify the streetscape design and areas in public space in response to DDOT and the public space permitting process;
6. Make minor refinements to exterior details, locations, and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, balconies, canopies and trim, such that the refinements do not substantially change the external configuration of appearance of the building; and
7. Vary the number of residential units +/- 1 unit.

Rooftop Elements:

8. The Applicant shall have the flexibility to vary the roof plan as it relates to the green roof areas, solar panels, planters, and terraces, provided that total GAR is not reduced below the

permitted GAR in the zone and that the Applicant still provide solar panels and green elements.

Residential Permit Parking Restriction:

9. The Applicant will restrict Residential Permit Parking (RPP) for the residents of the building and put that language in the lease agreement for the life of the project.

Trash Pick-Up:

10. The Applicant will limit trash pick-up to 4x a week and trash will be kept inside until trash-pick up days and provide the ANC a copy of the trash plan once a trash company is selected.

Community Commitments:

11. The communal rooftop space will be made available to the ANC 6D or direct affiliates 12 times per year, in two-hour increments, for official community business, at no charge. ANC and direct affiliates will be required to follow standard protocol for securing the space and for the use.
12. Property Owner will set its goal to hire 20% qualified DC residents, with an emphasis on ANC 6D residents, as property employees. In addition, Property Owner will endeavor to employ up to two summer high school interns provided that they attend a to be determined number of training sessions to be held at SWFEC. Property Owner will make best efforts to forge relationships with local training and placement groups such as UDC and Building Futures.
13. The Applicant will work with ABRA to appropriately relocate its liquor store before and after construction.
14. The Applicant will prioritize local businesses in the commercial and retail spaces. The Applicant will advertise that commercial space is available for lease on the building (e.g. “New Commercial Space for Lease”) with contact details. When the spaces become available for lease, the Applicant will send a notice to the Syphax Village Board and ANC with information about the lease and ask that they sent to constituents and resident listservs to solicit local businesses for the space.
15. The Applicant agrees to send the existing tenants similarly priced rental properties. When the construction schedule is finalized, tenants will be given at least six months’ notice as to the official construction date i.e. move out date, and the Applicant will continue to send on a monthly basis, information on similarly priced rental properties in the area.

Easement and Egress Restriction:

16. No part of the building will be located on the easement area OR on any other property;
17. The court area in the rear is for emergency egress only and will not be used as an everyday entrance- the Applicant will put “Emergency Exit Only” signs on the doors; and

18. No vehicles are permitted to use the rear as a drop off or access point.

Loading Demand Management Plan Measures:

19. **For the life of the Project**, the Applicant shall adhere to the following Loading Demand Management Plan Measures:

- a. A loading zone manager will be designated by building management who will be on duty during delivery hours. The loading zone manager will be responsible for coordinating and scheduling loading activities with vendors and tenants and will work with the community and neighbors to resolve any conflicts should they arise.
- b. Lease provisions will require all tenants to use only the designated loading zone for all deliveries and move-in and move-out activities through coordination with the loading zone manager.
- c. All tenants will be required to schedule deliveries that utilize the loading zone (any loading operation conducted using a truck 20-feet in length or larger).
- d. The loading zone manager will schedule deliveries using the loading zone such that the zone's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the loading zone is full, that driver will be directed to return at a later time when the loading zone will be available so as to not compromise safety or impede N Street SW functionality.
- e. The loading zone manager will schedule residential loading activities so as not to conflict with retail deliveries. All residential loading will need to be scheduled with the loading zone manager and it is anticipated that residential loading will take place primarily during afternoons, when the retail loading activity is minimal.
- f. The loading zone manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading zone do not block vehicular, bike, or pedestrian traffic along N Street SW except during those times when a truck is actively entering or exiting a loading zone.
- g. Service vehicle/truck traffic interfacing with N Street SW traffic will be monitored during peak periods and management measures will be taken if necessary to reduce conflicts between truck and vehicular movements.
- h. The loading zone manager will monitor the timing of the retail and residential deliveries to see if any adjustments need to be made to ensure any conflicts with the retail loading and residential loading activities are minimized.
- i. Trucks using the loading zone 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 (godcgo.com/freight). The loading zone manager will also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure, to drivers as needed to encourage compliance with idling laws. The loading zone manager will also post these materials and other relevant notices in a prominent location within the loading area.

- j. The loading zone manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading zone as well as notifying all drivers of any access or egress restrictions (ex. N Street SW one-way westbound only).
- k. "No Parking: Loading Zone" or comparable signage and placards will be used to demarcate the loading zone, and "No Parking" signs will be used to demarcate the pick-up/drop-off area. The exact restrictions and placards will be determined by DDOT's Curbside Management Division (CMD) during public space permitting.
- l. The loading zone manager will use traffic cones to block off the loading zone and actively manage deliveries and move ins/outs.
- m. The loading zone manager will call 311 to obtain DPW enforcement of the parking restriction in the loading zone and pick-up/drop-off zone as needed.
- n. The loading zone manager will encourage and facilitate residents obtaining "Emergency No Parking" signs from DDOT if there is observed non-compliance with the parking restriction in the loading zone.
- o. The Applicant will provide a curbside management and signage plan, as well as a copy of this LMP, in the public space construction permit application to remind the Curbside Management Division (CMD) of what was agreed to.
- p. The Applicant will submit and receive approval from DDOT for a curbside management plan.
- q. Loading for trash pick-up will take place curbside on N Street SW. Trash containers will be stored internal to the building and rolled internally through the building then exit the building and placed on N Street. The loading manager will coordinate with trash pick-up to minimize the time trash trucks need to use the curbside loading area.

Transportation Management Measures:

20. **For the life of the Project**, the Applicant shall adhere to the following Transportation Demand Management Plan Measures:

Site-Wide TDM

- a. Identify Transportation Coordinators for the planning, construction, and operations phases of the office units within the development. There will be a Transportation Coordinator for each retail and office tenant and the entire residential component/building. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
- b. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants must survey their employees and report back to the Transportation Coordinator.
- c. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the employees, 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.

- d. Transportation Coordinators will subscribe to the applicable goDCgo's newsletters and receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
- e. Provide a copy of the Loading Management Plan (LMP) to the Transportation Coordinator so they are aware of this commitment.
- f. Post all TDM commitments on website, publicize availability, and allow the public to see what commitments have been promised.
- g. Provide a SmarTrip card and a complimentary Capital Bikeshare coupon good for one ride to each new resident and employee.
- h. Provide residents and employees 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.
- i. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle space will be provided free of charge to residents. 24 long-term bicycle parking spaces will be provided by the development, which represents six (6) spaces, or thirty-three percent, of additional long-term bicycle parking beyond the zoning required 18 spaces. A minimum of 12 long-term bicycle parking spaces (50%) will be designed to be installed horizontally on the ground.
- j. Long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kids bikes with a minimum of two (2) spaces designed for longer cargo/tandem bikes, and a minimum of 10% of spaces will be designed with electrical outlets for the charging of electric bikes. There will be no fee to the residents for usage of the bicycle storage room.
- k. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator shall submit documentation 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.
- l. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will 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. If such letter is not submitted on a timely basis, the Applicant shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.

Residential TDM Plan

- m. Provide 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.

Retail TDM Plan

- n. Will post "getting here" information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers and patrons discouraging parking on-street in Residential Permit Parking (RPP) zones.

Office TDM Plan

- o. Transportation Coordinator will notify goDCgo each time a new office tenant moves in and provide TDM information to each tenant as they move in.
- p. Transportation Coordinator will provide links to CommuterConnections.com and goDCgo.com on property websites.
- q. Transportation Coordinator will implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby.
- r. Distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency.
- s. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future, such as the Parking Cash-out Law.

General

- 21. This Application approval shall be valid for a period of two years from the effective date of this Order. Within such time, an application for a building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order (Subtitle Z § 702.3).