

**ZONING COMMISSION CASE NO. 22-06**  
**Consolidated PUD and Related Map Amendment**  
**801 Maine Ave SW PJV, LLC**

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**Applicant’s Revised List of Proposed Benefits and Amenities and**  
**Corresponding Conditions**  
**Submitted Pursuant to Subtitle X § ~~308.8 et seq.~~ 308.12**  
**December 22, 2022**  
**January 5, 2023**

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<u>Proffer</u>	<u>Condition</u>
<p><b><u>Superior Urban Design and Architecture</u></b>  <i>Subtitle X § 305.5(a)</i></p> <ul style="list-style-type: none"> <li>• The PUD site is situated at a transitional location between two developments of contrasting urban character: (i) the mixed-use, high-rise scale of The Wharf along Maine Avenue; and (ii) the residential, low-rise scale of the Capitol Square townhome community along G Street. Consequently, to achieve a superior urban design, the Project integrates distinctive building facades and a mix of building heights to achieve maximum compatibility with these uniquely varied conditions.</li> <li>• As depicted in the Applicant’s plans and shadow studies, the massing of the building is configured such that impacts to light and air are minimized, primarily through the use of stepdown techniques.</li> <li>• The height of the northern portion of the building is lowered by four stories at 9th and G Streets, which responds to community feedback and minimizes the additional impact of shadows on the townhouse development to the north and Jefferson Field to the northeast. Accordingly, the northern portion of the building is limited to 90 feet. The 90-foot</li> </ul>	<p><b><u>Condition No. [ ]:</u></b> The Project shall be developed and constructed substantially in accordance with the plans titled “899 Maine Avenue”, prepared by Perkins Eastman DC, LLC, submitted by the Applicant on November 28, 2022, and included in the case record as <u>Ex. 119A1 – 119A5</u>, and the “Signage and Storefront Exhibit” included the case record as <u>Ex. 38B</u>, as modified by the guidelines, conditions, and standards herein (collectively, the “Approved Plans”).</p>

height also establishes a complementary relationship with the Capitol Square Place community to the north across G Street, which consists of townhomes that are the 50 feet in height.

- In an effort to further enhance the building's relationship with the townhome community, the base of the building along the 9th Street frontage closest to G Street is expressed as attached rowhouses, with porches, stoops, and landscaping that activate the pedestrian environment. Thus, the massing of the building complements and upholds the current mixture of high-rise and low-rise buildings surrounding the site.
- Careful consideration also was given to the ultimate height of the Project along Maine Avenue. Specifically, the massing of the Project was shifted south toward Maine Avenue and the Wharf, and the height of the northern block of the Project was reduced. Now, the 120- and 130-foot heights of the building along Maine Avenue work in tandem with the corresponding heights at The Wharf to create an urban “gateway” condition into the Southwest neighborhood.
- The triangular geometry of the PUD Site establishes three primary corners and three primary frontages that each address different urban conditions. In light of these opportunities, the proposed design creates a unique character informed by each urban condition, yet simultaneously composes a cohesive overall design.
- The integration of courtyards, a diverse material palette, and varied articulation reduces the building’s massing and distinguishes the separate sections of the building, further enhancing compatibility with the surrounding area.

<p><b><u>Site Planning and Efficient and Economical Land Utilization</u></b>  <i>Subtitle X § 305.5(c)</i></p> <ul style="list-style-type: none"> <li>• The Project will replace underutilized land with a mixed-use development providing residential and ground floor neighborhood-serving retail and service uses. The replacement of an underutilized site constitutes a significant benefit because enhances safety, results in aesthetic improvements to the community, and replaces a limited office use that is not compatible with the surrounding residential neighborhood.</li> <li>• The Property’s current MU-12 zoning is inconsistent with the Property’s FLUM designation as Medium Density Commercial. Therefore, the Project will improve the utilization of the Property because the proposed mix of uses is more consistent with the District’s planning objectives and the character envisioned for the Southwest neighborhood.</li> </ul>	<p><b><u>Condition No. [ ]</u></b>: The Project shall be developed and constructed substantially in accordance with the Approved Plans.</p>
<p><b><u>Commemorative Works or Public Art</u></b>  <i>Subtitle X § 305.5(d)</i></p> <ul style="list-style-type: none"> <li>• The Applicant will contribute \$75,000 to MYLY Design, a minority-owned, woman-owned, certified business entity based in Washington, DC, to design, fabricate, and install public art along Maine Avenue in the area identified as the “Art and Landscape Zone” on <u>Sheet 72</u> of the Approved Plans (titled the “Art and Landscape Zone”).</li> <li>• The public art will be designed to transform the public space into a creative, inspiring, and livable environment consistent with the goals of the Southwest Neighborhood Plan, as well as the</li> </ul>	<p><b><u>Condition No. [ ]</u></b>: The Applicant shall take the following actions related to the delivery of the commemorative art or public art proffer:</p> <ol style="list-style-type: none"> <li>a. <b><u>Prior to the issuance of a final certificate of occupancy for the Project</u></b>, the Applicant shall contribute \$75,000 to MYLY Design, a minority-owned, woman-owned, certified business entity based in Washington, DC, or comparable design firm, to design, fabricate, and install public art along Maine Avenue in the area identified as the “Art and Landscape Zone” on <u>Sheet 72</u> of the</li> </ol>

<p>following policy in the Arts and Culture Element of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>○ <i>Policy AC-2.1.1: Emphasizing Public Spaces with Art: Use public art to strengthen and reflect the District's diversity, including its identity as a local cultural and arts center. Public art should accent locations such as Metro stations, sidewalks, streets, parks, and building lobbies. It should be used in coordination with landscaping, lighting, paving, and signage to create gateways for neighborhoods and communities. 10-A DCMR § 1406.5.</i></li> <li>• The public art component has the potential to serve as a catalyst for a new Art Walk comprised of a series of existing and potential cultural / artistic destinations along the I Street SW and Maine Avenue SW corridors.</li> <li>• A committee will review the final options for the artwork to be installed. The committee will include at minimum, the Applicant, a representative from ANC 6D, a resident within the boundaries of ANC 6D, and a representative from a business within the boundaries of the ANC 6D. The process for selecting the committee and the artwork will be coordinated and facilitated by MYLY Design.</li> </ul>	<p>Approved Plans. The Applicant shall provide proof to the Zoning Administrator that the funds have been contributed and that the items or services described in this condition have been or are being provided, in accordance with Subtitle X § 305.3(d).</p> <p>b. <b><u>Prior to the issuance of a final certificate of occupancy for the Project</u></b>, the Applicant shall furnish to the Zoning Administrator evidence of a memorandum of agreement that provides for the creation of a committee to select the artwork to be installed. The committee shall include, at minimum, the Applicant, one representative from ANC 6D, a resident within the boundaries of ANC 6D, and a representative from a business within the boundaries of the ANC 6D. The process for selecting the artwork will be coordinated and facilitated by MYLY Design, or a comparable design firm, with emphasis to be placed on the arts and cultural strategy and recommendations contained within the Southwest Neighborhood Plan.</p>
<p><b><u>Housing and Affordable Housing</u></b> <i>Subtitle X §§ 305.5(f) and (g)</i></p> <ul style="list-style-type: none"> <li>• The project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Future Land Use Map. Overall, the project will replace a vacant office building with approximately 498 new dwelling units. This amount of housing far exceeds the amount of housing that could be provided under the</li> </ul>	<p><b><u>Condition No. [ ]: For the life of the Project</u></b>, the Applicant shall provide approximately 434,475 square feet of GFA to residential use, subject to the flexibility provided herein.</p>

site's existing MU-12 zoning, both as a matter-of-right or through a PUD. *See* 11-X DCMR § 305.5(f)(1); *see also* 11-G DCMR §§ 502.1 and 503.1.

- The Applicant will set-aside 15% of the residential GFA of the base building, or approximately 65,171 square feet of GFA, and 15% of any penthouse habitable space for affordable housing.
- The Applicant's affordable housing proffer will generate approximately 67 units that will be reserved for households with incomes not exceeding 60% MFI, and eight (8) three-bedroom units that will be reserved for households earning no more than 50% MFI.
- The Applicant's 15% affordable housing proffer represents a substantial increase in affordable housing when compared to the base amount of affordable housing that would be required for a matter-of-right development in the MU-12 zone. Specifically, matter-of-right redevelopment of the site under existing MU-12 zoning would require approximately 21,500 GFA of affordable housing. Thus, the project will provide over three times more affordable housing than under existing zoning.
- The Applicant's affordable housing proffer is among the highest of all recent PUDs that do not involve a public subsidy, public financing, and/or public land disposition or ground lease.
- Therefore, consistent with policies under the Housing Element of the Comprehensive Plan, the Applicant's affordable housing proffer will help foster a mixed-income community on a site where no housing currently exists and that is within close proximity to transit and

**Condition No. [ ]:** The Applicant shall provide the affordable housing for the Project in accordance with this condition:

- a. **For the life of the Project**, the affordable housing for the Project shall be administered by the DC Department of Housing and Community Development through the Inclusionary Zoning ("IZ") program. The affordable housing shall comply with all development standards, tenancy regulations and implementation requirements for IZ units as set forth in DCMR Chapter 10 of Title 11-C and Chapter 22 of Title 14.
- b. **For the life of the Project**, in substantial conformance with Sheet 32 of the Approved Plans (titled, the "IZ Unit Mix"), the Applicant shall provide the affordable housing for the Project as set forth in the following chart\*:
- c. **For the life of the Project**, the Applicant shall reserve eight (8) three-bedroom units for households earning equal to or less than the 50% MFI level.

<p>numerous amenities.</p> <ul style="list-style-type: none"> <li>•</li> </ul>	
<p><b><u>Environmental and Sustainable Benefits</u></b>  <i>Subtitle X § 305.5(k)</i></p> <ul style="list-style-type: none"> <li>• The building will be designed to LEED Platinum v4 for H-Multifamily Midrise, which exceeds the LEED Gold threshold that qualifies a PUD benefit under Subtitle X, § 305.5(k) of the Zoning Regulations.</li> <li>• The building will be equipped with advanced utility tracking to ensure maximum energy performance.</li> <li>• The Project includes approximately 10,411 square feet of green roof systems designed to collect, filter, and detain stormwater runoff.</li> <li>• The Project includes 16 electric vehicle (“EV”) charging stations for the residential portion of the Project, exceeding DDOT baseline minimums.</li> </ul>	<p><b><u>Condition No. [ ]:</u></b> The Applicant shall provide the environmental and sustainable benefits for the Project in accordance with this condition:</p> <ol style="list-style-type: none"> <li><b><u>The Applicant shall submit with its building permit application for the Project,</u></b> a checklist evidence that the Project has been designed to LEED Platinum standards under the LEED v4 Multifamily Midrise standard.</li> <li><b><u>Prior to the issuance of a final certificate of occupancy for the Project,</u></b> the Applicant shall provide a signed affidavit to the Zoning Administrator evidencing that the Applicant has registered the Project for LEED Platinum under the LEED v4 Multifamily Midrise standard. The signed affidavit shall also include the steps taken by the Applicant towards achieving such certification for the Project.</li> <li><b><u>Prior to the issuance of a final certificate of occupancy for the Project,</u></b> the Applicant shall demonstrate to the Zoning Administrator that it has installed approximately 10,411 square feet of extensive green roof systems.</li> <li><b><u>Prior to the issuance of a final certificate of occupancy for the Project,</u></b> the Applicant shall demonstrate to the Zoning Administrator that there are at least 16 electric vehicle (“EV”) charging stations in the underground parking garage for the residential portion of the</li> </ol>

<ul style="list-style-type: none"> <li>The Project will provide a minimum of 17 spaces within the bike parking rooms that will be designed with electrical outlets for the charging of electric bikes and scooters.</li> </ul>	<p>Project.</p> <p>See Conditions for Transportation Demand Management (“TDM”) Plan below.</p>
<p><b><u>Streetscape Plans, subject to approval by the Department of Transportation Public Space Committee</u></b>  <i>Subtitle X § 305.5(l)</i></p> <ul style="list-style-type: none"> <li>The streetscape design for the Project fosters a pedestrian-friendly environment where one is currently lacking, particularly along the east side of 9<sup>th</sup> Street and the north side of Maine Avenue. The Applicant’s streetscape plans show various improvements that will facilitate an engaging pedestrian experience, including new paving for sidewalks, street lighting fixtures, and new shade trees, and seating nodes. In addition, the public art installation in the Art and Landscape Zone along Maine Avenue will activate the Project’s ground-floor retail space(s).</li> </ul>	<p><b><u>Condition No. []: Prior to the issuance of a final certificate of occupancy for the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that <del>is</del><u>it</u> has constructed the streetscape and landscaping improvements abutting the PUD site along 9<sup>th</sup> Street, SW and Maine Avenue, SW, <u>subject to DDOT approval</u>, consistent with <u>Sheets 65-71</u> of the Approved Plans.</p> <p><b><u>Condition No. []: Prior to the issuance of a final certificate of occupancy for the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has submitted a Curbside Management Plan (“CMP”) to DDOT for the public space abutting 9<sup>th</sup> Street for approval, and will implement the CMP as fully approved by DDOT. Any metered parking shall be installed at the Applicant’s expense.</p>
<p><b><u>Transportation Infrastructure Beyond that Needed to Mitigate any Potential Adverse Impacts of the PUD</u></b>  <i>Subtitle X § 305.5(o)</i></p> <ul style="list-style-type: none"> <li>The Applicant proposes various improvements to reconfigure and redesign 9th Street, SW that will significantly enhance vehicular traffic flow and</li> </ul>	<p><b><u>Condition No. []: Prior to the issuance of a final certificate of occupancy for the Project</u></b>, the Applicant shall present evidence to the Zoning Administrator that it has</p>

<p>pedestrian and bicycle safety along and around the PUD Site (the “9<sup>th</sup> Street Improvements”). The 9<sup>th</sup> Street Improvements, which are shown at Exhibit 38C of the case record, are subject to review and approval by the Public Space Committee.</p> <ul style="list-style-type: none"> <li>• The 9<sup>th</sup> Street Improvements, which exceed the mitigations measures required to minimize the Project’s impacts to the surrounding traffic network, include, but are not limited to: <ul style="list-style-type: none"> <li>○ The reduction of excess travel lanes;</li> <li>○ The widening of sidewalks along the east side of 9<sup>th</sup> Street, SW and the addition of generous landscaped areas;</li> <li>○ The removal of the slip lane from 9<sup>th</sup> Street, SW to G Street, SW;</li> <li>○ The addition of a pick-up/drop-off (“PUDO”) zone in front of the main residential lobby of the Project; and</li> <li>○ A reconfiguration of 9<sup>th</sup> Street, SW that enables the installation of a future traffic signal at its intersection with G Street, SW.</li> </ul> </li> <li>• The Applicant thoroughly studied five measures to assist the Capitol Square Place Homeowners Association (the “HOA”) and its efforts to minimize existing cut-through traffic. The benefits and drawbacks of each strategy are outlined in the memorandum prepared by the Applicant’s traffic consultant at Exhibit 112F of the case record. Accordingly, the Applicant will contribute \$100,000.00 to the HOA, to be expended at the HOA’s discretion, to support any additional traffic studies and/or facilitate the implementation of any of the strategies</li> </ul>	<p>caused, facilitated, enabled and/or furthered the reconfiguration and redesign of 9<sup>th</sup> Street consistent with the Approved Plans, subject to review and approval by DDOT.</p> <p><b><u>Condition No. [ ]: Prior to the issuance of the first building permit for the Project,</u></b> the Applicant shall contribute \$100,000.00 to the Capitol Square Place HOA (the “HOA”), to be expended at the HOA’s discretion, to support any additional traffic studies and/or facilitate the implementation of any cut-through mitigation measures recommended in <u>Exhibit 112F</u> of the case record or alternative measures identified by the HOA. The Applicant shall provide proof to the Zoning Administrator that the funds have been contributed to the HOA specifically for the traffic studies and/or</p>
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<p>recommended by the Applicant, or alternative measures identified by the HOA.</p> <ul style="list-style-type: none"> <li>• The Applicant agrees to fund a Signal Warrant Study for the intersection of 9<sup>th</sup> and G Streets, which is estimated to cost up to \$30,000 at this time. The purpose of this study will be to provide information to the District Department of Transportation (“DDOT”) needed to determine whether a traffic signal is warranted at this intersection. The study will build upon the analyses provided in the Applicant’s Comprehensive Transportation (“CTR”) report.</li> </ul>	<p>mitigation measures contemplated by this condition.</p> <p><b><u>Condition No. [ ]: Prior to the issuance of the first building permit for the Project,</u></b> the Applicant shall prepare and submit a Signal Warrant Analysis (the “Study”) for the intersection of 9<sup>th</sup> Street and G Street to DDOT's Transportation Engineering and Safety Division (TESD) for review. The purpose of the Study will be to provide information to DDOT needed to determine whether a traffic signal is warranted at the aforementioned intersection, and will involve the following:</p> <ol style="list-style-type: none"> <li>a. Coordination with DDOT on project scope;</li> <li>b. Identification of existing traffic data, including data and analyses performed as part of the CTR: <ol style="list-style-type: none"> <li>i. Perform supplemental data collection (e.g., 13-hour TMC) to complete warrant analyses as needed; and</li> <li>ii. Project future volumes using similar methodologies from the CTR accounting for background grow and the future PUD;</li> </ol> </li> <li>c. Field work to assess any geometric or sight distance constraints and observe overall intersection operations;</li> <li>d. Identify other safety concerns or improvements that may need to be addressed as part of the final recommendations;</li> <li>e. Summary of five-year historical crash</li> </ol>
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	<p>data from DDOT;</p> <p>f. Full Signal Warrant study per MUTCD requirements:</p> <p>i. Based on the traffic data and anticipated operation of the signal, determine which approach(es) shall be used as the mainline and which shall be used as the side street for the purpose of the volume-based Warrant Analyses. If necessary, perform the Warrant Analyses for alternative assumptions for mainline and side street;</p> <p>g. Documentation into a draft warrant study and presentation of results to DDOT; and</p> <p>h. Finalization of the warrant study based on DDOT comments.</p> <p><b><u>Condition No. [ ]: No less than every six (6) months prior to issuance of the first building permit for the Project,</u></b> the Applicant shall provide the affected Advisory Neighborhood Commission and the HOA with updates on the progress of the Study and any findings.</p>
<p><b><u>Uses of Special Value to the Neighborhood or the District of Columbia as a Whole</u></b>  <i>Subtitle X § 305.5(q)</i></p> <ul style="list-style-type: none"> <li>The surrounding community has expressed preferences for certain uses to be included with the project.</li> <li>Accordingly, the Applicant commits to</li> </ul>	<p><b><u>Condition No. [ ]: For the life of the Project,</u></b> the Applicant shall devote approximately 24,168 square feet to non-residential use at the ground floor, subject to the flexibility provided in this Order and in accordance with the following:</p> <p>a. <b><u>Prior to issuance of a final</u></b></p>

<p>leasing a portion of the GFA devoted to retail/commercial use for a neighborhood-serving bank branch.</p> <ul style="list-style-type: none"> <li>• Additionally, a minimum of 3,000 square feet of ground floor retail will be utilized for a neighborhood-serving grocer, market, bodega, corner store, or prepared food shop.</li> </ul>	<p><b><u>certificate of occupancy for the Project</u></b>, the Applicant shall present evidence to the Zoning Administrator that it has allocated a portion of the ground-floor retail/commercial space to a bank branch use.</p> <p>b. <b><u>Prior to issuance of a final certificate of occupancy for the Project</u></b>, the Applicant shall present evidence to the Zoning Administrator that it has allocated at least 3,000 square feet of ground-floor retail space for a neighborhood-serving grocer, market, bodega, corner store, or prepared food shop.</p>
<p><b><u>Other Public Benefits and Project Amenities</u></b>  <i>11-X DCMR § 305.5(r)</i></p> <ul style="list-style-type: none"> <li>• In order to address concerns about bikes and scooters being abandoned in the Capitol Square Place townhouse community, the Applicant agrees to seek Public Space Committee approval for the bike and scooter corrals and agrees to fund the installation of the corrals. The application to the Public Space Committee shall be filed prior to the issuance of a building permit for the PUD, and the contribution for the installation of the corrals shall be made prior to the issuance of a certificate of occupancy for the PUD.</li> </ul> <p><b><u>Other Ways in which the Proposed PUD substantially advances the Major Themes and Other Policies and Objectives of Any of the Elements of the Comprehensive Plan</u></b>  <i>11-X DCMR § 305.5(r)</i></p> <ul style="list-style-type: none"> <li>• The proffered benefits of the PUD, specifically those related to housing, affordable housing, environmental and sustainable benefits, transportation, and the proposed uses of special value,</li> </ul>	<p><b><u>Prior to the issuance of a final certificate of occupancy for the Project</u></b>, the Applicant shall present evidence to the Zoning Administrator that it has funded and caused, facilitated, enabled, and/or furthered the installation of the bike and scooter corrals in proximity to the Property, in accordance with the relevant approval granted by the Public Space Committee.</p> <p><i>See proposed conditions corresponding to the following benefit categories: Housing and Affordable Housing (Subtitle X § 305.5(f)) and (g); Environmental and Sustainable Benefits (Subtitle X § 305.5(k));</i></p>

<p>substantially advance the District’s racial equity objectives. On balance, the PUD will bring positive outcomes to District residents, regardless of socioeconomic status.</p>	<p>Transportation (Subtitle X § 305.5(o)); and Use of Special Value to the Neighborhood and the District of Columbia as a Whole (Subtitle X § 305.5(q)).</p>
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**Proposed Design Flexibility**

**Condition No. [ ]:** The Applicant shall have PUD design flexibility in the following areas:

- a. Number of Dwelling Units. To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%).
- b. Affordable Units. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the total square footage reserved for affordable units is no less than 15% of the residential gross floor area approved for the Project; and provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the Approved Plans; and provided further that there are eight (8) three-bedroom units reserved for households with incomes not exceeding 50% MFI.
- c. Parking Configuration. To make refinements to the approved parking configuration, including layout, number of parking spaces plus or minus ten percent (10%), and/or other elements, and to vary the allocation of residential and retail parking spaces, provided that the number of residential parking spaces shall not exceed a ratio of 0.6 spaces per unit.
- d. Interior Components. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building.
- e. Exterior Materials and Color. To vary the final selection of the exterior materials within the color ranges and material types as proposed on Sheet 54 of the Approved Plans (titled, "Material Palette"). In the event the Applicant desires to change the exterior materials, type or color beyond the parameters of the Material Palette, the Applicant shall file an application for a Modification of Consequence for the Commission's approval of the change of exterior materials.
- f. Exterior Details. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Approved Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railing, skylights, and window locations, and brick

patterns or sizes.

- g. Balconies. To vary the number, configuration, and general design of the balconies proposed on the Maine Avenue façade to ensure compliance with the applicable requirements of the 2017 District of Columbia Construction Codes (Title 12 of the District of Columbia Municipal Regulations), so long as the design of the Maine Avenue façade remains substantially in conformance with the Approved Plans.
- h. Streetscape Design. To vary the location, attributes, and general design of the approved streetscape, including those streetscape improvements proposed within the "Art and Landscape Zone" indicated on Sheet 72 of the Approved Plans, subject to the review and approval of the Public Space Committee.
- i. Sustainable Features. To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the PUD does not decrease below the minimum required for LEED Platinum.
- j. Signage. To vary the font, message, logo, location, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Approved Plans.
- k. Conversion of Retail Space. To convert up to 15,000 square feet of retail space to residential use or any other use permitted in the MU-9A zone, provided that for any such conversion that requires a modification of the exterior building design, the Applicant shall file an application for a Modification of Consequence for the Commission's approval of the revised building design, and any additional residential square footage shall be subject to the IZ requirement approved for the PUD.
- l. Retail Use Types. To vary the types of uses designated as "retail" use on the approved Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(bb)); (ii) Service, General (11-B DCMR § 200.2(cc)); (iii) Service, Financial (11-B DCMR § 200.2(dd)); (iv) Eating and Drinking Establishments (11- B DCMR § 200.2(i)); (v) Medical Care (11-B DCMR § 200.2(o)); and (vi) Arts, Design, and Creation (11-B DCMR § 200.2(e));
- m. Retail Frontages. To vary the final design of retail frontages of the building, including the location and design of entrances, show windows, signage, and size of retail units, in accordance with the needs of the retail tenants. Retail signage shall be located within the potential retail signage zone shown on Sheet S2 of the Approved Plans.

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#### **Other Conditions**

<p>Transportation Demand Management Plan</p>	<p><b><u>Condition No. [ ]: During the operation of the Project (unless otherwise noted),</u></b> the Applicant shall provide the following transportation demand management (“TDM”) measures:</p> <ul style="list-style-type: none"> <li>a. The Applicant will identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each retail tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement; and will provide their contact information to goDCgo;</li> <li>b. The Applicant will have the Transportation Coordinator conduct an annual commuter survey of employees onsite, and report TDM activities and data collection efforts to goDCgo once per year;</li> <li>c. The Applicant will ensure Transportation Coordinators develop, distribute, and market 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 the property website and in any internal building newsletters or communications;</li> <li>d. The Applicant will ensure Transportation Coordinators subscribe to 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;</li> <li>e. The Applicant will provide residents</li> </ul>
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	<p>or employees who wish to carpool with detailed carpooling information and will be referred to other carpooling matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;</p> <ul style="list-style-type: none"><li>f. The Applicant will provide a copy of the Loading Management Plan (LMP) to the Transportation Coordinator so they are aware of this commitment;</li><li>g. The Applicant will offer a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident and employee;</li><li>h. <b><u>Following the issuance of a Certificate of Occupancy for the Project,</u></b> 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;</li><li>i. <b><u>Following the issuance of a Certificate of Occupancy for the Project,</u></b> 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</li></ul>
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confirmed by DDOT. If such letter is not submitted on a timely basis, the Applicant shall have 60 days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such a letter;

- j. The Applicant will not dedicate unused parking spaces to anyone aside from tenants of the building unless the other building(s) have no on-site parking (e.g. will not lease to other nearby office employees, single-family home residents, or sporting events);
- k. The Applicant will provide a minimum of 167 long-term and 33 short-term bicycle parking spaces exceeding the ZR16 minimum requirement;
- l. The Applicant will provide long-term bicycle storage rooms that will accommodate non-traditional sized bikes including cargo, tandem, and kids bikes with a minimum of eight (8) spaces designed for longer cargo/tandem bikes (10 feet by 3 feet), a minimum of 17 spaces will be designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of 84 spaces will be placed horizontally on the floor. There will be no fee to the residents or employees for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle room; and
- m. The Applicant will provide a bicycle repair station in each long-term bicycle parking storage room.

**Condition No. [ ]: During the operation of the Project (unless otherwise noted), the Applicant shall provide the following TDM**



measures **specifically for the residential portion of the Project:**

- a. The Applicant will unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit and charge a minimum rate based on the average market rate within a quarter mile;
- b. The Applicant will 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](mailto:info@godcgo.com);
- c. The Applicant will post all TDM commitments on the development's website, publicize availability, and allow the public to see what commitments have been promised;
- d. The Applicant will install a Transportation Information Center Display (electronic screen) within the residential lobby containing information related to local transportation alternatives. At a minimum the display should include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles;
- e. The Applicant will provide a minimum of two (2) showers and eight (8) lockers, consistent with the

	<p>Approved Plans;</p> <ul style="list-style-type: none"> <li>f. The Applicant will install 16 electric vehicle (EV) charging stations for the residential portion of this project, exceeding DDOT baseline minimums; and</li> <li>g. The Applicant will provide one (1) collapsible shopping cart (utility cart) for every 50 residential units, for a total of 10, to encourage residents to walk to the grocery store and run errands.</li> </ul> <p><b><u>Condition No. [ ]: During the operation of the Project (unless otherwise noted), the Applicant shall provide the following TDM measures specifically for the grocery/retail portion of the Project:</u></b></p> <ul style="list-style-type: none"> <li>a. The Applicant 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 discouraging parking on-street in Residential Parking Permit (RPP) zones;</li> <li>b. The Applicant will have the Transportation Coordinator demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law to 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</li> </ul>
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	<p>Law;</p> <ul style="list-style-type: none"> <li>c. The Applicant will provide at least two (2) lockers for use by employees;</li> <li>d. The Applicant will install a minimum of one (1) electric vehicle (EV) charging stations for the grocery/retail portion of this project; and</li> <li>e. The Applicant will discuss with the SW BID on a wayfinding plan along walking routes to the property from the L’Enfant Metrorail station.</li> </ul>
<p>Loading Management Plan</p>	<p><b><u>Condition No. [ ]: For the life of the Project,</u></b> the Applicant shall implement the following Loading Management Plan:</p> <ul style="list-style-type: none"> <li>a. A loading manager will be designated by building management who will be on duty during delivery hours. The loading manager will be responsible for coordinating with vendors and tenants to schedule deliveries and will work with the community and neighbors to resolve any conflicts should they arise;</li> <li>b. Lease provisions will require all tenants to use only the loading area for all deliveries and move-in and move-out activities;</li> <li>c. All tenants will be required to schedule deliveries that utilize the loading area (any loading operation conducted using a truck 20 feet in length or larger);</li> <li>d. The driveway and curb cut to Maine Avenue, SW will only be used for grocery deliveries by trucks larger than 35 feet in length. Appropriate signage along the private alley and a chain across the driveway, or similar</li> </ul>

device, will be installed, subject to DDOT approval, which may be temporarily removed by the designated loading manager when large trucks arrive to the site;

- e. The loading manager will schedule deliveries using the loading berth such that the loading area's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the loading berth is full, that driver will be directed to return at a later time when the berth will be available so as to not compromise safety or impede traffic along 9th Street SW or Maine Avenue SW functionality;
- f. The loading manager will schedule residential activities so as not to conflict with retail deliveries. All residential loading will need to be scheduled with the loading manager, and it is anticipated that residential loading will take place primarily during afternoons or evenings, when the retail loading activity is minimal;
- g. The loading manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading area do not block vehicular, bicycle, or pedestrian traffic within the service alley, except during those times when a truck is actively entering or exiting a loading berth;
- h. Service vehicle and truck traffic interfacing with Maine Avenue SW or G 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;

	<ul style="list-style-type: none"> <li>i. The loading manager will monitor the timing of deliveries to see if any adjustments need to be made to ensure any conflicts with the grocery/retail and residential loading activities are minimized;</li> <li>j. Trucks using the loading area 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 (<a href="http://godcgo.com/freight">godcgo.com/freight</a>). The loading manager will also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure and others from DDOT and goDCgo, to drivers as needed to encourage compliance with idling laws. The loading manager will also post these materials and other relevant notices in a prominent location within the loading area; and</li> <li>k. The loading 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 area as well as notifying all drivers of any access or egress restrictions (e.g., no left turn onto G Street SW; truck access only through Maine Avenue SW).</li> </ul>
Implementation and Validity	<p><b>Condition No. [ ]:</b> No building permit shall be issued for the Project until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of Zoning Legal</p>

	<p>Division and the Zoning Division, Department of Buildings (the “PUD Covenant”). The PUD Covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.</p> <p><b><u>Condition No. [ ]:</u></b> The PUD shall be valid for a period of two years from the effective date of this Order. Within such time an application shall be filed for a building permit, with construction to commence within three years of the effective date of this Order.</p> <p><b><u>Condition No. [ ]:</u></b> The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.</p>
Miscellaneous	<p><b><u>Condition No. [ ]:</u></b> The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in</p>

	violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
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**\*(IZ CHART)**

<b>Residential Unit Type</b>	<b>Residential GSF* / % of Total (Approx.)</b>	<b># of Units</b>	<b>Reserved for households earning equal to or less than</b>	<b>Affordable Control Period</b>	<b>Affordable Unit Type</b>
Total (includes penthouse)	439,809 gsf (100%)	498			
Market Rate	373,838 gsf (85%)	423	Market Rate	Life of the Project	Rental
IZ (Total)	65,971 gsf (15%)	75	Up to 60% MFI	Life of the Project	Rental
IZ / 1 Bedroom		27	Up to 60% MFI	Life of the Project	Rental
IZ / 2 Bedroom		16	Up to 60% MFI	Life of the Project	Rental
IZ / 3 Bedroom		8	Up to 50% MFI	Life of the Project	Rental

+ Square footages shown represent gross square feet (“GSF”) of residential space 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, 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 IZ units substantially conforms to the layout shown on Sheet 32 of the Approved Plans.