

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 16-01
Z.C. Case No. 16-01
TMASSHLDG, LLC
(Capitol Gateway Overlay Review @ Square 656, Lot 813)
March 17, 2016**

Pursuant to notice, the Zoning Commission of the District of Columbia ("Commission") held a public hearing on March 17, 2016, to consider an application filed by TMASSHLDG, LLC ("Applicant") for review and approval of a new residential building pursuant to §§ 1610 and 3104 of the Zoning Regulations, Title 11 DCMR ("Zoning Regulations"), which apply to new construction within the Capitol Gateway Overlay and for an area variance for required parking spaces, pursuant to §§ 1610.7, 3104, and 2101.1. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

1. On January 8, 2016, the Applicant filed an application for review and approval of a new residential building pursuant to §§ 1610 of the Zoning Regulations, which apply to new construction on any lot within Square 656 within the Capitol Gateway ("CG") Overlay District. The subject property consists of Lot 813 in Square 656 ("Property"). The application included a request for area variance relief approval of a reduction in required parking, pursuant to §§ 3104 and 2101.1 of the Zoning Regulations.
2. The Applicant filed a preliminary statement in support of the application on January 8, 2016. (Exhibits ["Ex"] 2-2I.) The statement in support included a summary of the application's compliance with the applicable provisions of the CG Overlay District and justification for the requested area variance for parking reduction. This statement in support also included architectural drawings, detailed material samples, and a public space plan.
3. On February 20, 2016, the Applicant submitted a supplemental pre-hearing statement, which included updated architectural drawings, statement of intended use, building materials clarification, a Transportation Assessment Memo for DDOT review prepared by the Applicant and including a parking assessment report from Wells and Associates, Proposed Design Flexibility Parameters, and letters of support. (Ex. 11.)

4. The Commission held a hearing on the application on March 17, 2016. Parties to the case included the Applicant and Advisory Commission (“ANC”) 6D. Proper notice of the hearing was provided by the Office of Zoning and the Applicant, pursuant to 11 DCMR § 3015.
5. Appearing at the hearing on behalf of the Applicant were Tyler C. Merkeley and Aubrey Jason Grant of Emotive Architecture. The Commission accepted Mr. Grant as an expert in architecture
6. At the conclusion of the public hearing on March 17, 2016, the Commission took final action to approve the application. The Commission determined that the project satisfies all applicable requirements of the CG Overlay District and the application satisfies the burden of proof for area variance relief for the requested parking reduction.

PROJECT OVERVIEW

7. The property that is the subject of this application is known as Lot 813 in Square 656 (the “Property”) and consists of approximately 3,000 square feet of land area within a lot that is 24 feet wide and 125 feet deep. The property is located in the southwest corner of the square and bounded on the west by 1st Street, S.W. and lies just north of Q Street, S.W.
8. The Applicant proposes to develop a new four-story multiple dwelling building containing eight residential units to be known as the Stadium District Lofts. There will be no retail/commercial uses, and there will be no on-site parking spaces provided. Overall building height will be approximately 55 feet and the total gross floor area for the building will total approximately 10,040 square feet.
9. Centered in the middle of Buzzard Point, Stadium District Lofts will likely be one of the first “standard setting” smaller infill developments in sync with the “Buzzard Point Vision Framework & Implementation Plan (Public Draft)” as it provides a transition from the higher-density development south of Q Street, S.W. to the existing lower-density residential developments in the R-4 Zone District to the north.
10. The building has been designed to mirror the industrial texture of Buzzard Point’s historical use pattern with brick clad exteriors on the east and west walls and Exterior Insulation and Finishing System (“EIFS”) finishes emulating brick façade with textures/patterns on the common walls expected to be some day hidden by adjacent parcel development. Aluminum doors and windows will reflect the existing warehouse style glazing typical in Buzzard Point and prominent in the “in development” Pepco Waterfront Substation project directly located southwest across Q Street from Stadium District Lofts.

11. The building will incorporate a number of elements to enhance its sustainability, and the Applicant represented that it expects the finished building would qualify for at least a LEED-Silver Homes Multi-Family Mid-Rise 2010 certification. To that end, included in the Applicant's PowerPoint Presentation, the Applicant submitted a draft LEED checklist identifying those elements and features the Applicant may pursue in satisfaction of its sustainability commitment, including an expansive green roof, bio retention garden and permeable pavers.

DESCRIPTION OF THE SURROUNDING AREA AND ZONING CLASSIFICATION

12. The Property is located two blocks west of South Capitol Street in southwest Washington. It fronts west onto 1st Street, S.W., has no rear alley access to the east, High Road Middle School on its North Boundary, and the Shulman Liquor Mart complex and five row houses on its south boundary just north of Q Street, S.W. Fort McNair and National Defense University are located two blocks to the west of the Property and the Syphax Gardens housing complex lies north of the Property. Nationals Stadium is approximately two blocks northeast of the Property and the area in between the stadium and the property is a mix of commercial and residential (approximately nine row houses) uses. The area south of Q Street, S.W. includes numerous industrial uses, vacant properties, 11 single-family row houses and the "in development" Pepco Waterfront Substation, and DC United Stadium Complex.
13. The Property is included in the Mixed-Use Commercial Residential ("CR") Zone District and is located in the CG Overlay District. The Property is vacant but had been occupied by a one family dwelling that was recently razed.
14. There are no existing curb cuts or alley access.
15. The Stadium District Lofts satisfies the area requirements for a building located in a CR Zone District. The project will have a density of 3.35 floor area ratio ("FAR"), a maximum building height of 54 feet, six inches, and lot occupancy of 75%. However, the project will have no onsite parking spaces, thus necessitating the need for an area variance.

CAPITOL GATEWAY OVERLAY DISTRICT DESIGN REVIEW REQUIREMENTS

Satisfaction of CG Overlay District Criteria

16. The Applicant is required to prove that the Project is consistent with the requirements of §§ 1610 and 3104. The following paragraphs address the Applicant's satisfaction of these criteria.

17. The purposes and objectives of the CG Overlay District, as enumerated in §1600.2, that are relevant to the proposed development include:

Assuring development of the area 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.

(11 DCMR § 1600.2(a).)

18. Pursuant to §§ 1610.3(a) and (b), the Applicant is required to prove that the Project will achieve the objectives of the CG Overlay District as set forth in § 1600.2. See paragraph 17 above.) The Applicant, in its written statement and testimony at the public hearing, noted that the Project will achieve the objectives of the CG Overlay District through the following:

- The height and density of the proposed residential structure is significantly less than what is permitted in the CG/CR Zone District as a matter of right. The proposed building will have a building height of approximately 55 feet compared to the 90 feet permitted in the CR Zone District as a matter of right;
- Similarly, the proposed density of 3.35 FAR is less than 60% of the 6.0 FAR which residential buildings are permitted to achieve as a matter of right in the CR Zone District;
- The proposed height and bulk of the project is generally consistent with the scale of development in the surrounding neighborhood;
- The Stadium District Lofts will introduce a style of multi-story, multi-family market rate housing use on the Property that does not currently exist anywhere else in the surrounding neighborhood—a new smaller mid-rise contemporary design and amenity package building oriented to the walk, live, and work neighborhood lifestyle;
- This proposed use is ideally suited for this Property, which can be considered to be a transitional area located between the residential uses to the north of the Property, the industrial uses to the south, and the institutional uses to the west; and
- The proposed building will provide market rate housing to DC residents wanting to embrace a lifestyle less dependent upon personal vehicle ownership and more dependent upon, Metro, bicycle, car/ride share, and walking to travel within their neighborhood and city.

19. Pursuant to § 1610.3(c), the proposed building must be in context with the surrounding neighborhood and street patterns. The Applicant noted that the Property is surrounded by industrial, institutional, and residential (multi-family and single-family) uses. As demonstrated in the Architectural Drawings, the project is contextual to the surrounding neighborhood and street patterns; offering distinct façade designs for each of the building's elevations and providing an innovative design to connect to the distinct characters of each of the street frontages as well as immediately neighboring buildings. (Ex. 2E1-2E2.)
20. Satisfaction of § 1610.3(d) requires that the proposed building minimize conflict between vehicles and pedestrians. The proposed design promotes a safe pedestrian experience along 1st Street, S.W. Currently there are no curb cuts on the Property. As noted in the written submission and testimony at the public hearing, the Applicant consulted with representatives of the District Department of Transportation ("DDOT"). Based on consultation with representatives of DDOT, the Applicant has agreed to widen the existing sidewalk and align to the forthcoming new DDOT Buzzard Point Guidelines for Streetscape when publicly released. A widened sidewalk along 1st Street will provide more pedestrian capacity in anticipation of "game day" foot and bicycle traffic along 1st Street, S.W. accessing both DC United's new stadium one block south and Nationals Stadium two blocks east. The Applicant has also agreed to the Office of Planning's ("OP") and DDOT's request to develop the "Public Space" along 1st Street to provide eight new bicycle parking spaces adjacent to the new six-foot-wide sidewalk for daily and game day use. The Applicant's Pre-Hearing Transportation Assessment Memo included the Applicant's Transportation Demand Management ("TDM") plan which also included several items developed in discussions with DDOT to reduce vehicle traffic and loading activity associated with these residential units. (Ex. 11.) The Proposed Public Space Perspective Drawings (SD-0.091) in the Architectural Drawings provide a good vision of these components implemented in the project. (Ex. 2E1-2E2.) These steps agreed to by the property owner will allow for unimpeded flow of pedestrian activity along 1st Street, S.W.
21. In accordance with § 1610.3(e), the proposed building should minimize unarticulated blank walls adjacent to public spaces through façade articulation. The elevations and perspectives included in the Architectural Drawings depict the proposed building façades. (Ex. 2E1-2E2.) The proposed design includes full height glazing for both the east and west faces of the building which are likely to have long term exposure to public spaces. Both the east and west façades of the building will have a brick finish to them which will also continue a minimum of 24 inches around to the longer north and south façades of the building. The north and south façades are longer and are most likely to eventually be hidden from public view by anticipated development on the two adjacent parcels which are significantly larger (6,138 sf and 13,026 sf, respectively) than this property. At least one of these properties is currently for sale and being evaluated for significant

development by larger established regional developers looking to maximize the CR/CG development potential of the corner lot to the south and/or the larger lot to the north which also has existing alley access. The size of this project and the likelihood that the longer walls are most likely to be hidden from public view strongly suggested the use of EIFS for their siding finish to provide texture and color compatible with the brick facades on the east and west faces of the building. The two tone three vertical band EIFS pattern is similar to another building in the Navy Yard (e.g. Parc Riverside 1011 1st Street, S.W.) and ensures no “unarticulated Blank Walls.” The Applicant has proposed the use of two tones, “327 Mocha” which will cover two-thirds of the wall to pull out the warmer tones of the brick section and “305 Plum” which will cover one-third of the wall to pull out the cooler slate tones of the brick section. The cost of other siding alternatives is not feasible on a project of this size, especially when as shown in the building perspective views in the Architectural Drawings, these walls will most likely be hidden from public view in the near future as the neighborhood develops to its full potential under the CR/CG zoning.

22. Subsection 1610.3(f) requires that the proposed building will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards. The Project has been designed to qualify for a LEED Homes Multi-Family Mid-Rise 2010 certification level of at least “Silver”. The Applicant submitted a preliminary LEED checklist for the Project into the record at the public hearing in its PowerPoint Presentation. (Ex. 18.) The checklist shows that a LEED-Silver Certification level is very likely achievable and the Applicant expects to pursue this level of certification so long as it is both practical and feasible economically. In any event, a green roof, Bio Garden, and green area ratio exceeding the minimum requirements are all not only feasible but desirable components for this project. As an expected long-term owner of the property, the Applicant finds most of the LEED requirements not only increase the desirability of the project in D.C. to renters, but also provides for both lower operating costs as well as lower maintenance costs over the long term.
23. The Applicant is also required by § 3104.1 to show that the proposed development will not affect adversely the use of neighboring property. In 2005, the Property was rezoned from the Industrial C-M-2 Zone District to the CG/CR Zone District. This application will allow for the removal of a vacant dilapidated residence and its replacement by a new residential apartment building use that will add vibrancy and activity to the area, without overwhelming the adjacent residential use. The existing house has been vacant for many years and suffered at least two significant fire events. It has been an ongoing source of problems in the neighborhood with individuals loitering around and in the property with some engaging in both illegal and bothersome activities. This was having a very strong negative impact on neighboring properties. The Applicant’s purchase of this property immediately decreased the negative impacts of the property and the raze of the dilapidated building removed this eyesore, thereby benefiting the community. The

design of the new structure and proposed use will minimize any adverse impacts on the adjacent properties. The existence in the current design of a front yard “public space,” a rear yard private space and a roof top deck will evenly distribute any outdoor activity on the parcel in order to minimize the impact on the neighboring properties.

Area Variance Relief – Number of Parking Spaces

24. The Project will provide no parking spaces. The Zoning Regulations require three parking spaces for the proposed use. The Property is exceptional in that it is extremely narrow – 24 feet wide and 125 feet deep. It also has neither an alley access nor existing curb cuts, and the strict application of the Zoning Regulations will result in a practical difficulty upon the Applicant in that it will significantly constrain the Applicant’s efforts to provide three on-site parking spaces. With no way to access the lot, there is no ability to provide grade-level parking on the property. Because of the extremely narrow width of the property, there is no feasible way to provide either above- ground or below-ground parking within the building footprint. Absent relief from the on-site parking requirement, the Applicant will not be able to develop this building. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the zone plan. The existing on-street parking capacity, as demonstrated by the Parking Assessment Study – 30% Peak Occupancy – provides sufficient unused prime time spaces to handle the additional parking created by this Property being granted 100% relief from the requirement for three on-site parking spaces. (Ex. 10.) The lack of existing traffic congestion in the neighborhood, along with the relative close proximity to public transportation, particularly the two Metrorail stations (both within seven blocks), and the availability of public transportation services in the area suggests that the incremental impact of granting this relief will have no impact on the public good and surrounding neighborhood. The Applicant’s Traffic Demand Management plan provides additional measures which will also reduce the demand for on-street parking space.

GOVERNMENT REPORTS

Office of Planning Report

25. In its March 7, 2016 report, OP noted that it is very supportive of the Project and can recommend approval of the application “pending the applicant’s” further study of the materials and design of the party walls, as well as examination of whether the green features of the building can be enhanced. OP encouraged the Applicant to examine again what alternative design options are possible for party walls so that the exposed surface can present the most pleasing possible view. OP concluded that the Applicant had satisfied the standards for area variance relief of the required off-street parking spaces. OP noted that approval of the application would be in harmony with the intent of the Zoning Regulations, citing § 600.3, which provides that the CR Zone District is designed

to “help create major new residential and mixed use areas in planned locations at appropriate densities, heights and mixture of uses.”

26. OP determined that the application would generally further the objectives of the Capitol Gateway Overlay. The OP report stated that:

The project would enhance the walkability of the neighborhood – a key goal of the overlay – by replacing a blighted building, improving landscaping, and replacing and widening the sidewalk.

(Ex. 15.)

DDOT Report

27. By the report dated March 3, 2016, DDOT stated that it has no objection to the application. DDOT noted the following: that the Application provided for no curb cuts; preliminary public space plans are consistent with DDOT Standards, and primary residential access from 1st Street. The Applicant used sound methodology and assumptions to perform analysis, future residents are likely to use auto and non-auto options at approximately equal shares; and the site is served by Metrorail and Metrobus. The TDM measures are appropriate and will serve to encourage non-auto use; existing transit service should have capacity to accommodate future demand; the Applicant shows long-term and short-term bicycle parking facilities; and curbside parking is sufficient to accommodate increase demand. (Ex. 14.)
28. The Applicant proposed the following TDM measures:
- (a) As a one-time incentive, up to eight bicycle helmets (one per unit) for distribution to new residents;
 - (b) Provide new residents with an information packet regarding available transportation choices and links to resources that provide real-time transportation updates for smart phones, computers, etc.;
 - (c) Offer an annual Capital Bikeshare or car share membership at lease signing or unit purchase for new residents up to five years after the building is completed;
 - (d) Provide a new resident with a \$30.00 credit towards on-demand car services (e.g., UberX) for each unit at initial lease or sale of unit in the building up to five years after the building is completed;
 - (e) Install a minimum of four short term parking spaces subject to DDOT guidelines; and

(f) Post all TDM commitments on-line for a one-year period.

(Ex. 11.)

28. In testimony at the March 17, 2016 public hearing, Jonathan Rogers, representative of DDOT, noted that the Applicant had worked in close coordination with DDOT on this project and that they appreciated the Applicant's incorporating DDOT's Public Space Plan suggestions into the design of the project. He also mentioned that the Buzzard Point Public Space Plan would be released in the near future. In response to a Commissioner's question on existing residential permit parking ("RPP") on 1st Street, S.W., Mr. Rodgers acknowledged the current RPP zones in the neighborhood will be subject to changes and modifications as the DC United Stadium Traffic Management Plan is released.

ANC Report

29. On February 8, 2016, ANC 6D held its regularly scheduled and properly noticed monthly public meeting. At that meeting, ANC 6D voted 6-0-1 to support the application. The ANC noted that its support of the application is based on the Applicant's satisfaction of the Design Review Standards for the CG Overlay District and for the area variance standards for the reduction in the amount of parking spaces provided for the project. The ANC also voted to provide a "special exception" to their long standing policy of not supporting RPP on new multi-family projects. The ANC also supported the public space plan in front of the building along with the planned use of building materials that reflect the industrial heritage of the community. The ANC also noted the Applicant is a nine-year resident of the neighborhood and small business owner and has a track record of hiring neighbors in maintaining his rental properties. (Ex. 9.)
30. In testimony at the public hearing, ANC Single-Member District (6D06) Commissioner Rhonda Hamilton testified as to the ANC's support for the proposal and noted the ANC appreciated the Applicant meeting with the ANC prior to the February 8, 2016 meeting to discuss any questions and issues the ANC 6D members had regarding the project. She also noted that as a long-time resident of the community the Applicant was considered a local who has been actively involved in supporting the community as well as employing several neighbors on a part time basis for various projects.

PARTIES/PERSONS IN SUPPORT OR OPPOSITION

31. There were no parties or persons that testified in support or opposition to the project.

CONCLUSIONS OF LAW

1. The Commission finds that, pursuant to 11 DCMR § 1610, the Applicant is required to satisfy the burden of proving the elements that are necessary to approve the overall

project under § 3104, as well as the specifically delineated requirements of the CG Overlay District. In addition, the Applicant must establish the case for area variance relief and the parking space requirements of § 2101.1.

2. The Commission provided proper and timely notice of the public hearing on this application, by publication in the *D.C. Register*, and by mail to ANC 6D, OP, and to owners of property within 200 feet of the site.
3. The proposed development is within the applicable height, bulk, and density standards of the Zoning Regulations, and the height and density will not cause a significant adverse effect on any nearby properties. The proposed residential building use is appropriate for the site, which is located in the CG/CR Zone District. The impact of the Project on the surrounding area is not unacceptable. The proposed development has been appropriately designed to complement existing and proposed buildings adjacent to the site, with respect to height and mass.
4. Approval of the proposed development is not inconsistent with the Comprehensive Plan.
5. The Commission is required under § 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) (2001)) to give “great weight” to the issues and concerns raised in the written report of the affected ANC. As is reflected in the Findings of Fact, at its duly noticed meeting held on February 8, 2016, ANC 6D, the ANC within which the Subject Property is located, voted 6-0-1 in support of the application for CG Overlay District Review. The ANC noted that it believed the Applicant had satisfied the standards of review of the CG Overlay District and the area variance standards for the proposed reduction in the number of parking spaces provided in the Project. The Commission found the ANC’s advice to be persuasive.
6. Based upon the record before the Commission, having given great weight to the views of the ANC and having considered the reports and testimonies that OP and DDOT provided in this case, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR §§ 1610 and 3104 and the independent burden for the area variance relief. The Commission finds that the Project fully satisfies the goals and objectives of the CG Overlay District. The proposed structure is consistent in height and bulk with other structures in the area and has been designed to minimize unarticulated blank walls. The Applicant has submitted a LEED Homes Multi-Family Mid-Rise 2010 checklist for this Project and intends to achieve LEED-Silver certification. The Commission notes that the Applicant’s proposal to install short and long term bicycle parking spaces in the Project and the Project’s TDM plan will minimize impacts on the environment.

7. The Commission finds that the original two color three vertical band design for the party walls on the proposed structure is appropriate. The Commission notes that the Applicant has used exterior materials and finishes which reflect the industrial heritage of the community and are contextual to the neighborhood.
8. The Commission has the authority to grant a variance from the minimum number of parking spaces required for residential uses provided the requirements of § 3103.2 are satisfied. The Commission finds the property is affected by exceptional size, shape, topography, or other extraordinary or exceptional situation or conditions and that practical difficulties would make it impossible to develop the site if the required three on-site parking spaces were required for approval. The Commission further concluded that the granting of this variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Commission also finds that the Applicant's Parking Assessment Report indicated only a 30% peak occupancy for neighborhood on-street parking spaces and that approving the area variance for 100% on-site parking relief will not have a negative impact on the neighborhood's available parking capacity.
9. The application for CG Overlay District Review will promote the orderly development of the site in conformity within the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and the Map of the District of Columbia.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL**, consistent with this Order, of the application for CG Overlay District review and area variance relief. For the purposes of the following conditions, the term "Applicant" shall be the person holding title to the property. If there is more than owner, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the property, that party shall have no further obligations under this Order; however, that party remains liable for any violation of any condition that occurred while an owner. This approval is subject to the following guidelines, standards, and conditions:

1. The project shall be built in accordance with the architectural plans, elevations, and materials submitted in the record of Z.C. Case No. 16-01 as Exhibits 2E1-2E2, 11, and 18, as modified by the guidelines, conditions, and standards below.
2. The Applicant shall have flexibility with the design of the project in the following areas:
 - a) To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, windows,

stairways, bicycle/trash storage rooms, shower and changing room, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

- b) To make refinements to the floor-to-floor heights, so long as the maximum height (+/- 7.5%) and total number of stories as shown on the plans do not change;
 - c) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on cost, availability and market trends at the time of construction, provided that there is no reduction in quality;
 - d) To make minor refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals;
 - e) To adjust the placement of windows, balconies, balcony railings, and privacy screens as necessary based upon the final unit count and layout of demising walls, so long as the adjustments do not materially change the exterior appearance of the building; and
 - f) Exceed by not more than two percent of lot occupancy or gross floor area of the Project.
3. The Commission's Order approving the Project shall be valid for a period of three years from the date of the Order, by which time construction of the project must begin.
4. The Applicant shall:
- (a) Distribute up to eight bicycle helmets (one per unit) for distribution to new residents;
 - (b) Provide new residents with an information packet regarding available transportation choices and links to resources that provide real-time transportation updates for smart phones, computers, etc.;
 - (c) Offer an annual Capital Bikeshare or car share membership at lease signing or unit purchase for new residents up to five years after the building is completed;
 - (d) Provide a new resident with a \$ 30.00 credit towards on-demand car services (e.g., UberX, Lyft) for each unit at initial lease or sale of unit in the building up to five years after the building is completed;

- (e) Install a minimum of four short term parking spaces subject to DDOT guidelines; and
 - (f) Post all TDM commitments on-line for a one-year period.
5. Subject to the approval of DDOT, the Applicant shall widen the existing sidewalk along 1st Street and align it to the forthcoming new DDOT Buzzard Point Guidelines for Streetscape when publicly released and provide eight new bicycle parking spaces adjacent to the new six-foot-wide sidewalk for daily and game day use.
6. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On March 17, 2016, upon the motion of Commissioner Turnbull as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the Application and **ADOPTED** this Order at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve).

In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on June 17, 2016.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING