PROPOSED PUBLIC BENEFIT – ZONING COMMISSION CASE NO. 03-24

PUD and Rezoning at 2126 Wyoming Avenue, NW

The applicant will establish a nonprofit corporation, with a fund of $90,000, the sole purpose of which will be to financially assist worthy public benefit projects and activities within the boundaries of ANC 2D. The nonprofit corporation will be established prior to the date of the PUD public hearing, and the fund will be fully endowed as of the date of recordation of the PUD Covenant in the Land Records of the District of Columbia, which recordation is a prerequisite to issuance of a building permit for the approved PUD project. The nonprofit corporation will terminate after distribution of the funds, as further outlined below.

Public notice of the availability of the fund, and the desire of the ANC and the nonprofit corporation to consider funding projects that represent worthy public benefits, will be given by the ANC, in the same manner that other ANC notices are given. In order to be considered for funding, a proposed public benefit project or activity must be one that is consistent with the list of public benefit standards and criteria set forth in Sections 2403.9 and 2403.13 of the DC Zoning Regulations, except that the project or activity must be located within the boundaries of ANC 2D. The ~~fund cannot be used to assist in the renovation or rehabilitation of any privately owned or controlled real property, unless that property is owned or controlled by a nonprofit institution or organization and the improvements are necessary for the nonprofit institution or organization to provide a public benefit as a part of its Mission~~public benefit funds shall be used to assist worthy public space projects, and civic and educational programs, to be undertaken within the boundaries of ANC 2D. Public space projects shall be those intended to enhance the landscape or streetscape or particular features thereof, or otherwise improve or provide opportunities for enjoyment of the public space to be enhanced. Such project shall not include any building or part thereof, or any public space, which is located between the sidewalk and the property line of a private property. Appropriate civic or educational programs shall be those that provide a civic or educational benefit for the citizens of ANC 2D, and which are undertaken by an educational, cultural or other like institution, and held within the boundaries of ANC 2D. The ANC Commissioners will review the projects that are submitted to them by a date certain, to be determined by the ANC, and will make one or more recommendations of worthy recipients to the nonprofit corporation.

The fund will be administered by the three directors of the nonprofit corporation, to be comprised of the Manager of Kalorama DC Group LLC, ~~the Chairperson~~an officer of Advisory Neighborhood Commission 2D and an at-large member who resides within the ANC 2D area. The at-large member shall not be a member of any organization or group that is likely to submit a request for funding. No director of the Board shall be eligible to vote on a request that is submitted by a group of which that director is a member. The corporation, in its sole discretion, upon a majority vote of the directors who are eligible to vote, will award funds to a recipient or recipients, from among the list of recipients recommended by the ANC.

If the ANC either does not make a recommendation to the corporation by October 31, 2004, or if the ANC's recommendation or recommendations do not in the sole opinion of the corporation meet the standards and criteria of Sections 2403.9 and 2403.13 of the DC Zoning Regulations, then the corporation will donate the entire $90,000 to the DC Housing Production Trust Fund, which was established pursuant to DC Official Code Section 42-2802 et seq. (2001), to be used in accordance with the purposes and goals of that entity. The existence of the

ZONING COMMISSION
District of Columbia
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EXHIBIT NO. 26

nonprofit corporation will terminate after delivery of the funds as outlined above, which delivery must occur no later than December 31, 2004.

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