

Arent Fox

May 17, 2010

VIA ELECTRONIC MAIL

Anthony Hood, Chairman
District of Columbia Zoning Commission
441 Fourth Street N.W., Suite 210 South
Washington D.C. 20001

Kinley R. Bray

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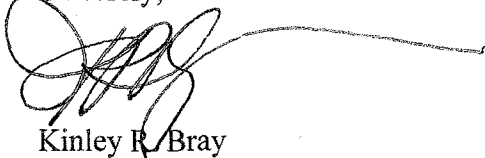
RECEIVED
D.C. OFFICE OF ZONING

Re: Application of G.K.D. 1412 Chapin Street LLC
Zoning Commission Case No. 09-15
Applicant's Proffer of Public Benefits and Amenities

Dear Chairman Hood and Members of the Commission:

As requested by the Commission upon approval of proposed action in the above-referenced case at the May 10, 2010 Public Meeting, attached for filing is the Applicant's Proffer of Public Benefits and Amenities and revised proposed conditions of approval.

Sincerely,



Kinley R. Bray

Cc: Buwa Binitie (via e-mail)
Carlos Perdomo (via e-mail)
Jordan Bishop (via e-mail)
Jeff Goins (via e-mail)
Ellen McCarthy (via e-mail)
Alan Bergstein, OAG (by hand and e-mail)
Paul Goldstein, OP (by hand and e-mail)
Joel Lawson, OP (by hand and e-mail)
ANC 1B (by hand)

ZONING COMMISSION
District of Columbia

CASE NO. 09-15
EXHIBIT NO. 56

Anthony Hood,
Chairman
May 17, 2010
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2010, a copy of the foregoing was hand delivered to the addresses listed below.

Advisory Neighborhood Commission 1B
PO Box 73710
Washington D.C. 20009

District of Columbia Office of Planning
Attention: Paul Goldstein & Joel Lawson
1100 4th Street S.W., Suite 650-E
Washington D.C. 20024

District of Columbia Office of the Attorney General
Attention: Alan Bergstein, Esq.
1100 15th Street, N.W., Suite 800
Washington, D.C. 20005-1707



Kinley R. Bray

Zoning Commission Case No. 09-15
Application of G.K.D. 1412 Chapin Street, LLC
Proposed Benefits and Amenities and Corresponding Conditions in Draft Order
May 17, 2010

Benefit & Amenity	Condition Number in Draft Order (see attached)
1. Affordable Housing. 44 units of affordable housing reserved for households earning 60% or less of the Area Median Income shall remain affordable for a minimum of 30 years following completion of construction.	Condition No. 2
2. Environmental Benefits. The proposed development shall be constructed in accordance with the 2008 Enterprise Green Communities Criteria.	Condition No. 4
3. Transportation Demand Management Measures. a. Metro SmartTrip. The Applicant or Developer shall provide each initial resident with a one-time, complimentary SmartTrip fare card with a value of \$50.00 for use on Metro upon move-in. b. SmartBike or ZipCar Subsidy. The Applicant or Developer shall provide each initial resident with a one-time, complimentary \$40.00 subsidy which may be used <i>either</i> for membership in the District of Columbia's SmartBike program <i>or</i> for a ZipCar membership. c. Bicycle Storage. The Applicant shall provide a minimum of 34 indoor bicycle racks within the building, at least 4 of which shall be available to visitors.	Condition No. 5
4. First Source Employment Opportunities. The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") in substantial conformance with the First Source Agreement submitted as Exhibit E of Exhibit 15 of the record. A fully signed First Source	Condition No. 6

Employment Agreement between the Applicant and DOES must be filed with the Office of Zoning prior to the issuance of the first above-grade building permit for the Subject Property.	
5. Local Business Opportunities. The Applicant shall enter into a Memorandum of Understanding with the D.C. Department of Small and Local Development to achieve, at a minimum, the goal of 35% participation by small, local, and disadvantaged businesses in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. The Memorandum of Understanding with the D.C. Department of Small and Local Development must be filed with the Office of Zoning prior to the issuance of the first above-grade building permit for the Subject Property.	Condition No. 7
6. Partnership with Mentoring Works2, Inc. The Applicant shall enter into a Partnership Agreement with Mentoring Works2, Inc. to provide youth opportunities for internships and apprenticeships with the Applicant and/or Developer and its contractors to participate in the design, development, and construction of the PUD on the Subject Property. The Partnership Agreement between Mentoring Works2, Inc. and the Applicant shall be filed with the Office of Zoning concurrent with the covenant required by Condition No. 10 of the PUD Order.	Condition No. 8

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** of the application for consolidated review of a Planned Unit Development and related Zoning Map amendment application from the R-5-B Zone District to the C-2-B Zone District for Square 2661, Lot 152 as shown in Exhibit 1. The approval of this PUD and Zoning Map amendment is subject to the following guidelines, conditions, and standards of this Order:

1. The PUD Project shall be developed in accordance with the plans and materials submitted by the Applicant and marked as Exhibits _____ of the record, as modified by the guidelines, conditions, and standards of this Order.
2. The PUD project shall include approximately 44 units that will be distributed among studio, one-bedroom, and two-bedroom configurations. The residential units will be distributed as follows: 9 studios, 26 one-bedrooms, and 9 two-bedrooms. All units will be set aside for households earning less than 60% of the Area Median Income for a minimum of 30 years following completion of construction. Units numbered 106, 202, 307, and 405 as shown on Sheets A2.2 through A2.4 dated April 26, 2010 shall be reserved as long as the Project exists as affordable units set aside for households earning less than 60% of the Area Median Income, pursuant to 11 DCMR § 2602.4.
3. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration of the structures;
 - To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit.
4. The proposed development shall be constructed in accordance with and shall achieve a minimum of 39 points available pursuant to the 2008 Enterprise Green Communities Criteria.
5. The Applicant shall satisfy the following Transportation Demand Management Measures prior to or concurrent with the occupancy of the first residents in the subject PUD:
 - a. Metro SmartTrip. The Applicant or Developer shall provide each initial resident with a one-time, complimentary SmartTrip fare card with a value of \$50.00 for use on Metro upon move-in.

- b. SmartBike or ZipCar Subsidy. The Applicant or Developer shall provide each initial resident with a one-time, complimentary \$40.00 subsidy which may be used *either* for membership in the District of Columbia's SmartBike program *or* for a ZipCar membership.
 - c. Bicycle Storage. The Applicant shall provide a minimum of 34 indoor bicycle racks within the building, at least 4 of which shall be available to visitors.
- 6. The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") in substantial conformance with the First Source Agreement submitted as Exhibit E of Exhibit 15 of the record. A fully signed First Source Employment Agreement between the Applicant and DOES must be filed with the Office of Zoning prior to the issuance of the first above-grade building permit for the Subject Property.
 - 7. The Applicant shall enter into a Memorandum of Understanding with the D.C. Department of Small and Local Development to achieve, at a minimum, the goal of 35% participation by small, local, and disadvantaged businesses in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. The Memorandum of Understanding with the D.C. Department of Small and Local Development must be filed with the Office of Zoning prior to the issuance of the first above-grade building permit for the Subject Property.
 - 8. The Applicant shall enter into a Partnership Agreement with Mentoring Works2, Inc. to provide youth opportunities for internships and apprenticeships with the Applicant and/or Developer and its contractors to participate in the design, development, and construction of the PUD on the Subject Property. The Partnership Agreement between MentoringWorks2, Inc. and the Applicant shall be filed with the Office of Zoning concurrent with the covenant required by Condition No. 10 of the PUD Order.
 - 9. The PUD shall be valid for a period of two (2) years from the effective date of Zoning Commission Order No. 09-15. Within such time, an application must be filed for a building permit, and construction of the Project must begin within three (3) years of the effective date of this Order. The filing of the building permit application will vest this Order.
 - 10. No building permit shall be issued for the PUD 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 the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to constrict and use the Property in accordance with this Order, or amendment thereof by the Zoning Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

11. The change in zoning from the R-5-B Zone District to the C-2-B Zone District shall be effective upon the recordation of the covenant specified in Condition 5 above.
12. 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 expression or identity, 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 also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

For these reasons above, the Commission concludes that the Applicant has met the burden; it is thereby **ORDERED** that the Application is **GRANTED**.

On _____, upon the motion of _____, as seconded by Commissioner _____, the Zoning Commission **APPROVED** this Application at its public meeting by a vote of _____.

On _____, upon the motion of _____, as seconded by _____, the Zoning Commission **ADOPTED** the **ORDER** at its public meeting by a vote of _____.

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register* on _____, 2010.

Anthony J. Hood
Chairman

Jamison Weinbaum
Director, Office of Zoning