

October 17, 2011

VIA ELECTRONIC FILING

Mr. Anthony J. Hood
Chairperson
District of Columbia Zoning Commission
441 4th Street, NW
Suite 210-S
Washington, DC 20001

2011 OCT 17 PM 1:45

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D.C. OFFICE OF ZONING

Re: Zoning Commission Case No. 11-08: Response to OAG Comments on Procedural Order

Dear Chairperson Hood and Members of the Commission:

Per comments received from the Office of the Attorney General, the Applicant in the above-referenced case now submits a revised version of its proffered conditions for the benefits and amenities provided in the Il Palazzo Planned Unit Development. Edits that have been made since the Applicant's filing of its draft Findings of Fact and Conclusions of Law are black-lined.

Affordable Housing: The Applicant shall reserve a minimum of six of the residential units as affordable for households having an income not exceeding 80% of the Area Median Income ("AMI") for the Washington, DC Metropolitan Statistical Area (adjusted for family size). The Applicant shall dedicate at least five of the six proffered affordable units as two-bedroom units, as depicted on Sheet ___ of Exhibit 30, as modified by Exhibit 36 filed on October 6, 2011.

Employment Agreement: Per the Employment Agreement entered into the record as Exhibit 21, Tab B, the Applicant shall hire a minimum of 12 District of Columbia residents for positions on a construction project in the District. This obligation shall run for the duration of the construction of the Il Palazzo development.¹ the Applicant shall hire a minimum of 12

¹ The rationale for this is that many positions are specialized and the skills are not needed for the duration of the construction project. This allows the individual to transfer to another construction site for work once his work is done at the previous site. Whereas his employment
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ZONING COMMISSION
District of Columbia

CASE NO. 11-08

EXHIBIT NO. 4

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District of Columbia

CASE NO.

EXHIBIT NO.

~~District of Columbia residents for construction positions for the duration of the development of a construction project in the District of Columbia; the positions are not limited to the development of Il Palazzo. The Applicant shall also host job fairs for District residents at least once every 90 days. Until these positions are filled, the Applicant shall host job fairs for the positions at least once every 90 days.~~

Community Contributions:

Per the agreement entered into the record as Exhibit 21, Tab C, prior to the issuance of a certificate of occupancy for the Project, the Applicant shall renovate the commercial kitchen at the Festival Center located at 1640 Columbia Road, NW. The renovation of the kitchen shall include the demolition and moving of the men's restroom, demolition and building of the new kitchen space and installation of the new kitchen equipment. ~~In the event the Festival Center is not ready to move forward with its renovations at the time the Applicant is ready to secure a certificate of occupancy, the Applicant shall work with the ANC to revise the timeline of the renovation.~~

Prior to ~~securing issuance of~~ a certificate of occupancy for the Project, the Applicant shall establish a tree fence buy-in program with the Reed-Cooke Neighborhood Association and the Applicant shall contribute \$50,000 to the program. Once the program is established, the Applicant shall be responsible for selling and installing up to 625 tree fences. The tree fences shall be sold at-cost.

Prior to ~~securing issuance of~~ a certificate of occupancy for the Project, the Applicant shall survey and repair all visible damage to units in Sarah's Circle caused by the August 2011 earthquake.

Prior to ~~beginning construction~~ the issuance of a building permit for of the Project, the Applicant shall provide the following materials to the HD Cook Elementary School:

- (a) library books that reflect the IB learner profile, key concepts and attitudes in Spanish and English, at a cost of up to \$12,000.
- (b) choral sheet music to support the choral program, at a cost of up to \$500.
- (c) musical instruments to support the band program, at a cost of up to \$2,500.

The Applicant shall also establish the following prior to commencement of construction of the Project:

- (a) scholarship for H.D. Cooke Elementary School Students to attend classes at the SITAR art center also located in the Adams Morgan Area, at a cost of up to \$2,500.

might be limited to only 6 weeks if he were to work at solely the Il Palazzo site, this gives him the opportunity to be employed for a much more significant amount of time.

(b) funding to support training parents with local community agency. Training to be focused in one of the areas of job readiness, computer basics, educational advocacy, life skills, and language acquisition, at a cost of up to \$2,500.

Comment: The Applicant understands OAG's concerns regarding the valuation of the proffer. The monetary amounts affixed to each item represent the ceiling on the proffer. For instance, the Applicant will provide the requested musical instruments until it reaches the \$2,500 cap on that line item.

Preservation of the Landmark: The Applicant shall have flexibility with the PUD in the following areas:

- (e) To respond to comments or concerns initiated by the Historic Preservation Review Board or the Historic Preservation Office staff in connection with final review.

Comment: The Applicant appreciates OAG's suggestion to modify the language to grant flexibility to "adopt changes suggested by HPRB and HPO in connection with final review"; however, the Applicant is concerned that this will impose a burden on HPRB and/or HPO to develop design solutions for any concerns or comments they have. The Applicant would like to retain control of designing a solution to any concerns they may have. We do not believe that the above flexibility is limitless, as any of the design changes would have to be approved by HPRB or HPO.

We look forward to working with you in finalizing these conditions.

Sincerely,


Allison C. Prince


Christine A. Roddy

Certificate of Service

I hereby certify that a copy of the foregoing document has been sent by hand delivery, electronic mail or first class mail to the following addresses on October 17, 2011:

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