



DONOHUE & STEARNS, PLC

Mary Carolyn Brown
(202) 763-7538
carolynbrown@donohuestearns.com

May 15, 2017

Via IZIS

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: Z.C. Case No. 16-13 JS Congress Holdings, LLC
Applicant's Proposed Proffers and Conditions -- *Revised*

Dear Commissioners:

On behalf of JS Congress Holdings, LLC, the applicant ("Applicant") in the above-referenced matter, we submit herewith its revised chart of Proffers and Conditions, based on comments received from the Office of Attorney General ("OAG"), as described below.

1. Draft IZ Covenant

OAG inquired whether the Applicant would be submitting a draft Inclusionary Zoning ("IZ") covenant regarding the off-site compliance, as initially requested by Commissioner Miller at the Commission meeting on April 24, 2017. The Applicant has consulted with the Department of Housing and Community Development ("DHCD") regarding a revised template for the IZ covenant that addresses both on-site and off-site compliance. DHCD informed the Applicant that no template has been developed yet. While DHCD will be working with the Applicant to prepare a new covenant form, a draft would not be ready for several months. Consequently, the Applicant is unable to submit a draft covenant to the Commission at this time.

2. LEED Certification

OAG also inquired as to whether the Applicant intended to seek certification for its LEED-Gold project. As discussed at the hearing on January 4, 2017, the Applicant does not intend to seek certification for the project because the cost is not justified given the size of the building. (See transcript in Z.C. Case No. 16-13, January 4, 2017, at 70-72).

3. Alley Dedication and Improvements

In response to OAG's comments, the Applicant has added a condition regarding the reconfiguration of the alley system in order to implement the proposed improvements to circulation in the square.

4. Conditions Related to Bikeshare Station and the Dog Park

At the suggestion of OAG, the Applicant has separated out the Bikeshare station proffer into a separate condition. With respect to the dog park public benefit, the Applicant has included a condition stating that, prior to issuance of the certificate of occupancy, the Applicant will provide proof to the Zoning Administrator that the contribution to Friends of NoMa Dogs ("FOND") is being used for the intended purpose. In the event that FOND doesn't execute an agreement with the Department of Parks and Recreation, which is presently a condition for receiving the funds, the Applicant will seek a minor modification of the PUD order to revise the condition or otherwise redirect the funds to another appropriate beneficiary.

Respectfully submitted,

DONOHUE & STEARNS, PLC

By: 
Mary Carolyn Brown

Attachment

cc: Joel Lawson, OP
Stephen Cochran, OP
Jacob Ritting, Office of Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Applicant's Revised Proffers was served by email this 15th day of May, 2017, on the following:

Mr. Fred Irby
1114 Third Street, N.E.
Washington, D.C. 20002
Fredirby4@gmail.com

Heather Edelman
1152 5th Street, N.E.
Washington, DC 20002
heatheraedelman@gmail.com
6c06@anc.dc.gov

By: 
Mary Carolyn Brown