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D.C. OFFICE OF ZONING

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November 21, 2012

VIA ELECTRONIC DELIVERY

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street NW, Suite 210
Washington, DC 20001
zcsubmissions@dc.gov

Re: **Zoning Commission Case No. 04-14B: Procedural Order**

Dear Chairman Hood and Members of the Commission:

The Applicant in the above-reference case hereby provides its procedural order in Case No. 04-14B and simultaneously services the Office of Zoning, the Office of Planning, the Office of the Attorney General and ANC 6D. A chart outlining the Applicant's proposed proffers is provided below:

Proffer	Condition
<p><u>Finding of Fact No. 34(a)iv-viii</u> The PUD includes a heavily landscaped Esplanade and reserves a significant amount of green space for public use.</p>	<p>The PUD project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibit _____ of the record ("Plans"), as modified by the guidelines, conditions, and standards of this Order.</p>
<p><u>Finding of Fact No. 34(a) and (a)(i)</u> The Applicant is converting a building previously dedicated to office use to residential use, which increases the affordable housing component of the previously approved PUD by 13,955 square feet. This project not only increases the amount of affordable housing in the PUD, but it is not taking advantage of any increase in density beyond what would be</p>	<p>The Applicant shall reserve a minimum of 42,955 square feet of residential gross floor area in the PUD 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).</p>

ZONING COMMISSION
District of Columbia

CASE NO. 04-14B

EXHIBIT NO. 41

<p>permitted for the underlying zoning, thus the provision of affordable housing is a benefit.</p>	
<p><u>Finding of Fact No. 54</u> The Applicant is implementing a transportation management plan to mitigate any potential effects of the PUD.</p>	<p>The Applicant shall implement a transportation management plan with the following components in connection with Phase One:</p> <p>A. During construction, the Applicant will maintain or coordinate relocation of any existing bus stops at their expense;</p> <p>B. The site design complies with zoning requirements to provide bicycle parking/storage facilities.</p> <p>C. The development will unbundle all parking costs from the cost of lease or purchase. Parking costs will be set at no less than the charges of the lowest fee garage located within ¼ mile.</p> <p>D. The Applicant will post all TDM commitments on-line prior to issuance of a certificate of occupancy, publicize availability, and allow the public to see what commitments have been promised.</p> <p>E. The Applicant will identify a TDM leader and provide DDOT and Zoning Enforcement with annual TDM Leader contact updates.</p> <p>F. The Applicant will provide website links to CommuterConnections.com and goDCgo.com on developer and property management websites.</p> <p>G. The Applicant will provide an on-site business center to residents with access to copier, fax, and internet services.</p> <p>H. The Applicant will provide a one-time membership fee subsidy in a car sharing program for each residential unit.</p> <p>Unless otherwise provided for above, the Applicant shall demonstrate compliance with its TDM in the required monitoring reports submitted to the District Department of</p>

	Transportation.
<u>Finding of Fact 34(a)(vi)</u> The Applicant shall construct an environmentally friendly development.	The PUD shall be LEED-certifiable for each Phase of the development. This will be certified by the project architect within two years of securing the certificate of occupancy for each phase of development.
The Applicant will make good faith efforts to achieve the target goal of 35% participation by Certified Business Enterprises in the contracted development costs in connection with the design, development, construction, maintenance and security of the PUD project.	The Applicant shall abide by the terms of the executed Memorandum of Understanding with the D.C. Department of Small and Local Business Development attached as Tab 5 to the Summary of Amenities and Benefits (Exhibit 94 in Case No. 04-14) to achieve the target goal of 35% participation by Certified Business Enterprises in the contracted development costs in connection with the design, development, construction, maintenance and security for the project to be created as a result of the PUD project, as specified in Case No. 04-14. An executed agreement must be proffered prior to issuance of a building permit.
The Applicant will make good faith efforts to achieve its goal of utilizing District of Columbia residents for at least 51% of the new jobs created by the PUD project.	The Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services, attached as Tab 4 to the Summary of Amenities and Benefits (Exhibit 94 in Case No. 04-14), to achieve the goal of utilizing District of Columbia residents for at least 51% of the new jobs created by the PUD project. The Applicant shall also abide by the Employment and Skills Training Plan made part of that agreement, also attached as Tab 4 to the Summary of Amenities and Benefits (Exhibit 94 in Case No. 04-14). An executed agreement must be proffered prior to issuance of a building permit.
The Applicant has agreed to contribute \$800,000 to the District of Columbia for the construction, installation and/or on-going maintenance of Diamond Teague Park.	The Applicant shall demonstrate proof of having fulfilled this obligation prior to the issuance of a building permit.

Please feel free to contact the undersigned with any question.

Anthony Hood, Chairman
November 21, 2012
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Sincerely yours,

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Christine

Christine Roddy

Enclosures
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CERTIFICATE OF SERVICE

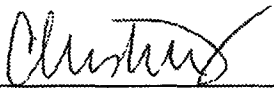
I hereby certify that on November 21, 2012, a copy of the attached letter and enclosures were served by electronic mail and first class mail on each of the following:

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