

May 13, 2019

VIA IZIS

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: Zoning Commission Case No. 06-10D – Corrected Public Benefit Condition
Related to Reduced Rental Rates for Artist Studio and Maker Spaces

Dear Chairman Hood and Members of the Commission:

On May 6, 2019, pursuant to §308.12 of Subtitle X of Title 11 of the District Code of Municipal Regulations, the Applicant submitted its final chart of proffers and corresponding conditions of approval that responded to comments from the Office of the Attorney General and the Office of Planning. The Applicant became aware that the proposed condition related to the proffer of a reduced rent for the artist studio and maker spaces mistakenly referenced the condition related to the discounted fees for the Explore! Children’s Museum.

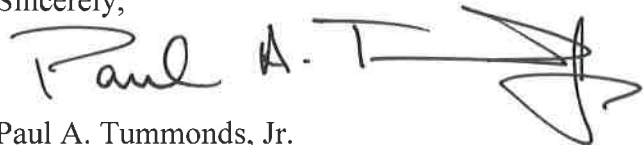
Based on guidance received in a phone conversation with Mr. Ritting of the Office of the Attorney General, we are now submitting a corrected condition that accurately describes the proposed condition regarding the Applicant’s proposal to offer reduced rental rates for the artist studio and maker spaces. Please note the language in this proposed condition is identical to the language that was proposed in the Applicant’s initial proffers and conditions chart that was submitted to the Zoning Commission on April 22, 2019 (Exhibit 42).

Proffered Benefit	Proposed Condition
<p><u>Promotion of the Arts and Uses of Special Value to the Neighborhood or the District of Columbia as a Whole.</u></p> <p>The Applicant is proposing a series of artist studio and maker spaces in the ground floor of the northern end of the closed 4th Street. The Applicant will enter into a contract with an arts organization that will interview and select the artists for the studio and maker spaces. The Applicant will rent these spaces to artists at a dollar/sf net monthly lease rate not to exceed 50% of</p>	<p>Prior to the issuance of the certificate of occupancy for the residential building, the Applicant will provide evidence to the Zoning Administrator that it has entered into a contract with a qualified arts organization that will interview and select the qualified artists for these spaces.</p>


Proffered Benefit	Proposed Condition
<p>the average dollar/sf net monthly lease rate charged to the other retail tenants in the Project.</p> <p>OAG Comment - The Office of the Attorney General determined that this proffer does not comply with 11-X DCMR 305.3(b) because the leases with the rent discount will not be completed or arranged prior to the issuance of a C of O for those spaces.</p> <p><i>Applicant's Response - The Applicant believes that the reduced rents for the artist studio and maker spaces are ultimately a benefit of the PUD project. However, the Applicant has no objection to OAG's proposal to not call the reduced rental rates a proffer of a public benefit, but still include the condition which requires the Applicant to provide the reduced rental rates.</i></p>	<p>For the life of the Project, the Applicant will rent the artist studio and maker spaces to artists at a dollar/sf net monthly lease rate not to exceed 50% of the average dollar/sf net monthly lease rate charged to the other retail tenants in the Project.</p> <p><i>No change to this proposed condition. The Applicant continues to propose this a condition of the Zoning Commission's approval.</i></p>

We apologize for any inconvenience associated with the Commission's acceptance of this corrected condition. Please feel free to contact the undersigned with any questions.

Sincerely,



Paul A. Tummonds, Jr.



Jennifer M. Logan

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document will be delivered by e-mail and Regular Mail to the following agencies and Parties on May 13, 2019.

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