

Leila M. Jackson Batties
202 419 2583
leila.batties@hklaw.com

October 18, 2007

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

**Re: Supplemental Filing for Zoning Commission Case No. 05-23A
(Consolidated PUD – NoMa West I, LLC)**

Dear Members of the Zoning Commission:

In support of the above-referenced application, we respectfully submit the following items into the hearing record for your consideration:

1. revised drawings;
2. an additional condition proffered by the applicant to expand the community benefits and amenities package to include a \$20,000 contribution to the Edgewood Civic Association;
3. facsimile from Harry Thomas Recreation Center detailing description and costs of equipment and supplies that will be purchased with contribution from the applicant;
4. the revised Development and Construction Management Plan for the proposed project, dated October 2, 2007, which was considered and accepted by ANC 5C at its meeting held on October 16, 2007;
5. a letter from the Edgewood Civic Association, dated October 18, 2007, in support of the modified PUD application; and
6. a letter from ANC 5C in support of the application.

Zoning Commission for
the District of Columbia
October 18, 2007
Page 2

We remain hopeful of the Zoning Commission's favorable review of the PUD application. Thank you for your considerate attention to this matter.

Sincerely,

HOLLAND & KNIGHT, LLP



Leila M. Jackson Batties

Cc: Mr. Samuel P. Simone (w/ enc.)
Norman M. Glasgow, Jr., Esq. (w/ enc.)
Mr. Steven E. Sher (w/ enc.)

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Zoning Commission Case No. 05-23A
NoMa West I, LLC

Proposed Revision to Condition No. 2 of Zoning Commission Order No. 05-23

The applicant proposes that Condition No. 2 of the Zoning Commission Order be revised to include the following:

- Edgewood Civic Association – The Applicant shall make a contribution of \$20,000 to the Edgewood Civic Association. The contribution shall specify that the funds may only be used for the following programs: (1) to cover the cost of printing and distributing the Association's quarterly newsletter, (2) donations of equipment to the Harry Thomas Recreation Center and the Edgewood Recreation Center, (3) donations to the PTSA for Emery and Shad Elementary Schools for student and parent enrichment programs, (4) grants to senior citizens for snow removal and safety maintenance of their homes, (5) summer festival for youth in the community, and (6) community beautification projects.



To: Heila Batties

Fax number: (2) 955-5564

From: Shameka Jones Dr
Lionel Taylor

Phone Number: (2) 727-3725

Date: October 9, 2007

Pages: 8 including cover ☒ Urgent ☐ For Review ☐ Please Reply

Subject:

Comments:

**GOVERNMENT OF THE DISTRICT
OF COLUMBIA**



**Department of Youth Rehabilitation
Services**

**Court and Community Programs
Administration**

**450 H Street, NW
Washington, DC 20001**

Phone: (202) 724-5070

Fax: (20) 727-9911

Ring Side, Inc

9650 Dice Lane

Lenexa, KS 66215

Ph (877) 426-9464

Web Site: www.ringside.com

| Page | Item | Model Number | Description | Price | Quantity | Total Price |
|------|---------------------------|--------------|---------------|----------|----------|-------------|
| A4 | Panther Punch Mitts | PU-PPM | | \$24.99 | 4 | \$99.96 |
| A4 | Punch Shield | CONPSH | | \$19.99 | 2 | \$39.98 |
| 21 | No-Foul Protector | GNTNF | Medium | \$59.99 | 2 | \$119.98 |
| 21 | No-Foul Protector | GNTNF | Large | \$59.99 | 2 | \$119.98 |
| 21 | No-Foul Protector | GNTNF | X-Large | \$59.99 | 2 | \$119.98 |
| 38 | Competition Headgear | SG | Medium Blue | \$59.99 | 1 | \$59.99 |
| 38 | Competition Headgear | SG | Large Blue | \$59.99 | 1 | \$59.99 |
| 38 | Competition Headgear | SG | X-Large Blue | \$59.99 | 1 | \$59.99 |
| 38 | Competition Headgear | SG | Medium Red | \$59.99 | 1 | \$59.99 |
| 38 | Competition Headgear | SG | Large Red | \$59.99 | 1 | \$59.99 |
| 38 | Competition Headgear | SG | X-Large Red | \$59.99 | 1 | \$59.99 |
| 59 | Competition Safety Gloves | SGA-E | Red 10 ounce | \$54.99 | 2 | \$109.98 |
| 59 | Competition Safety Gloves | SGA-E | Blue 10 ounce | \$54.99 | 2 | \$109.98 |
| 59 | Competition Safety Gloves | SGA-E | Red 12 ounce | \$54.99 | 2 | \$109.98 |
| 59 | Competition Safety Gloves | SGA-E | Blue 12 ounce | \$54.99 | 2 | \$109.98 |
| 60 | Drying Tree | DRYTREE | | \$179.99 | 1 | \$179.99 |
| 60 | Glove Dog | GDOG | | \$9.99 | 5 | \$49.95 |
| 84 | Traditional Shin Instep | TCTSIG-1 | Regular | \$22.99 | 4 | \$91.96 |

| | | | | | | |
|-------|--------------------------------|----------|---------------|----------|---|-----------|
| | Guards | | | | | |
| 84 | Traditional Shin Instep Guards | TCTSIG-1 | Large | \$22.99 | 4 | \$91.96 |
| 101 | Double End Bags | DDEB-1 | Double | \$54.99 | 1 | \$54.99 |
| 106 | Power Puncher Bag | LLHB-200 | | \$279.99 | 1 | \$279.99 |
| 100 | Body | RDV BAG | | \$170.00 | 1 | \$170.00 |
| | Snatcher Bag | | | | | |
| 111 | BOB Body | BOB | Free-Standing | \$259.99 | 1 | \$259.99 |
| 140 | Jump Rope | JR | Leather 8.5 | \$12.99 | 5 | \$64.95 |
| 140 | Jump Rope | JR | Leather 9.5 | \$12.99 | 5 | \$64.95 |
| 152 | SPAR-MATE Timer | SM | | \$129.99 | 1 | \$129.99 |
| 152 | The ringside Timekeeper | TK | | \$249.99 | 1 | \$249.99 |
| 193 | Championship Belt | PCOB-2 | | \$79.99 | 7 | \$559.93 |
| 216 | THAI Heavy Bag | THB | Elite 200lb | \$249.99 | 1 | \$249.99 |
| Total | | | | | | \$3758.36 |

Varsity Fashion

Web Site: www.store.varsity.com

| Item | Model Number | Description | Price | Quantity | Total Price |
|-----------------------|--------------|-------------|---------|----------|-------------|
| Cheerleading Uniforms | | | \$50.00 | 40 | \$2000.00 |
| Sports Pins | | | .95 | 7 | \$6.65 |
| | | | | | |
| | | | | | |
| | | | | | |
| Total | | | | | 2306.65 |

The Costume City, Inc
641 Strander Boulevard
Tykwila, WA 98188
Ph (800) 522-4031 fax (206) 859-4299
Web Site: www.costumecity.com
Email: sales@costumecity.com

| Page | Item | Model Number | Description | Price | Quantity | Total Price |
|--------|-----------------------------|-----------------|-------------|----------|----------|----------------|
| Online | Cougar Mascot Costume | R69042 | Standard | \$445.95 | 1 | \$445.95 |
| Total | | | | | | \$445.95 |

Circuit City

1020 Shoppers Way

Upper Marlboro, MD 20774

Ph (301) 350-9833

Web Site: www.circuitcity.com

| Item | Model Number | Description | Price | Quantity | Total Price |
|--------------------------|--------------|-------------|----------|----------|-------------|
| Sony VCR/DVD Player | 108 | | \$399.99 | 2 | \$799.98 |
| Mini Disk DVDR 60 Minute | | | \$24.99 | 4 | \$99.96 |
| Sony Start Kit | ACCDVD H2 | | \$84.99 | 2 | \$169.98 |
| Memory Card | | | \$39.99 | 2 | \$79.98 |
| Tripod Sony DVD Player | 108 | | \$42.99 | 2 | \$85.98 |
| Total | | | | | \$1235.88 |

Dan Kain Trophies**3100 N. Washington Boulevard****Arlington, Virginia 22201****Ph (703) 525-8100 fax (703) 525-9155****Web Site: www.dankain.com****Email: dktrophies@telcocom.com**

| Description | Quantity | Amount | Total |
|-------------|----------|--------|----------|
| Football | 25 | \$6.00 | \$150.00 |
| Basketball | 25 | \$6.00 | \$150.00 |
| Baseball | 25 | \$6.00 | \$150.00 |
| Karate | 25 | \$6.00 | \$150.00 |
| Community | 25 | \$6.00 | \$150.00 |
| Total | | | \$750.00 |

Football America

9375 Washington, Boulevard

Laurel, Maryland 207239

PH (1-800) 697-7678 fax (1-800) 322-1763

Website: www.footballamerica.comE-Mail: information@footballamerica.com

| Page | Item | Model Number | Description | Price | Quantity | Total Price |
|---------|---|--------------|------------------------|----------|----------|-------------|
| Website | Football Jerseys (Green) | NJGM05992 | Nike Full Length Youth | \$6.86 | 55 | \$377.73 |
| 54 | Shoulder Pad Rack | FBSHPRCK | | \$244.95 | 1 | \$244.95 |
| 55 | Rib Vest | YLRV | Youth Lightweight | \$18.95 | 30 | \$568.50 |
| 80 | Line-up Marker | LUM | Adjustable | \$119.95 | 1 | \$119.95 |
| 83 | Power Chute | 10000 | Small | \$64.95 | 2 | \$129.90 |
| 84 | Team Drink | TMD | 3 Gallon | \$134.95 | 3 | \$404.85 |
| 89 | Developing Defensive Linemen for youth football | 827008295890 | DVD | \$40.00 | 1 | \$40.00 |
| 89 | 101 Wing-T from A to Z Plays | 1585185949 | DVD | \$17.95 | 1 | \$17.95 |
| | | | | | Total | \$1903.83 |

DEVELOPMENT AND CONSTRUCTION MANAGEMENT PLAN
FOR PUD AT HARRY THOMAS WAY AND ECKINGTON PLACE

NoMa West Residential I, LLC (the "**Applicant**") seeks to mitigate any adverse impact on the surrounding neighborhood resulting from construction activity related to the Applicant's plans to construct a planned unit development consisting of approximately 600 residential units at the corner of Harry Thomas Way and Eckington Place (the "**Project**").

1. Communication.

a. Neighborhood Contact Person. The commissioner for Advisory Neighborhood Commission 5C05 (the "**Neighborhood Contact Person**"), shall represent the surrounding community during construction of the Project. In the event that the seat for said single member district is vacant, the chairperson for Advisory Neighborhood Commission 5C (the "ANC"), shall serve as the Neighborhood Contact Person during the construction of the Project. The name and telephone number of the Neighborhood Contact Person shall be conspicuously posted on the Applicant's property, and shall be readily available to members of the community. The Neighborhood Contact Person shall be available to receive complaints or other communications from the community regarding the construction of the Project and disseminate information from the Applicant and/or Applicant's Representative to the community. The Neighborhood Contact Person shall have the pertinent contact information for the Applicant's Representative (described below), including cell numbers and beeper numbers, as appropriate, and contact information in case of emergency during hours in which no construction activity is occurring.

b. Applicant's Representative. The Applicant shall designate a representative ("**Applicant's Representative**") to be the key contact for the ANC and the Neighborhood Contact Person during construction of the Project.

The Applicant's Representative shall have a local office and shall be accessible during business hours via telephone (including voicemail), email, letter or facsimile to receive complaints or other communications from the Neighborhood Contact Person or the ANC during construction of the Project. The name and telephone number of the Applicant's Representative shall be conspicuously posted on the Applicant's property and shall be readily available to members of the community.

c. Duties of the Applicant's Representative. The Applicant's Representative or his/her designee shall coordinate with the Neighborhood Contact Person to answer questions and receive comments about the site activities, address any concerns members of the community might have throughout the construction process, and the Applicant's Representative shall have authority to promptly remedy violations of this Development and Construction Management Plan and enforce its provisions. The Applicant's Representative or his/her designee shall:

- (i) receive notice of violations of this Development and Construction Management Plan from the Neighborhood Contact Person;
- (ii) respond as soon as possible to the Neighborhood Contact Person regarding any reported violations of this plan;

- (iii) act to remedy the violation within a reasonable time period and based on the severity of the alleged violation; and
- (iv) advise the Neighborhood Contact Person within a reasonable time period of the remedy and time frame for curing the violation(s).

d. Resume Bank. The Applicant's Representative and/or the Neighborhood Contact Person shall maintain a resume bank for members of the community to submit resumes for potential employment on this Project and future projects of the Applicant in the District of Columbia and surrounding jurisdictions. The Applicant encourages the submission of resumes of architects, project managers, and other real estate professionals, in addition to resumes of tradesmen and construction workers.

2. Construction. The Applicant shall require its personnel and vendors, including supply and service vendors, comply with all applicable District of Columbia Municipal Regulations relating to hours of work, noise, dirt, trash, and public health and safety. The following is a discussion of construction-related issues and shall be binding on the Applicant, its subcontractors and any successors and/or assigns of the Applicant.

a. Permits. The Applicant shall secure all permits required to complete the Project. All plans and permits shall be on-site, as required under the District of Columbia Construction Code.

b. Site Management.

- (i) The Applicant shall erect and maintain construction fencing and barricades in order to secure the site during construction. The Applicant and its contractors shall work with the Department of Consumer and Regulatory Affairs to maintain temporary storm water management systems throughout the Project's construction, until such time as the permanent facilities are constructed, approved and functioning such that there are no adverse water impacts on the adjacent neighborhood.
- (ii) The Applicant shall maintain a low-level of security lighting on its Property during the construction of the Project. These lights shall be sufficient to provide necessary security and to comply with federal and municipal safety standards.
- (iii) Subject to District of Columbia approval, the Applicant shall attempt to locate the construction trailer(s) so as to minimize impacts on adjacent neighbors.

c. Cleanliness. The Applicant shall remove rubbish and construction debris from its property on a routine basis during the construction of the Project. In addition, the Applicant shall monitor and police the construction site to ensure cleanliness of the site. All excavation or back fill trucks shall be covered before proceeding from the Applicant's property onto city streets. Portable latrines shall be located to minimize impacts upon adjacent properties.

d. Work Hours.

- (i) The normal construction work week shall be Monday through Friday, from 7:00 a.m. until 7:00 p.m., Saturday from 8:00 a.m. until 4:00 p.m., and on a limited basis as required to meet development schedules on Sunday from 9:00 am until 2:00 pm. All trucks for delivery of materials, construction or otherwise, shall arrive, depart and operate on the Applicant's property only during the foregoing hours. There shall be no queuing of construction related vehicles or arrival of workers more than thirty (30) minutes prior to stated work hours.
- (ii) The Applicant shall make good faith efforts to limit work that is likely to disturb the residents of the adjacent neighborhoods to weekdays, except where limitations on work during the week require work on Saturdays and Sundays to meet the requirements of construction teams for a 40-hour work week or to maintain the Project's development schedule.
- (iii) The Applicant shall not permit any activity on the Applicant's property that requires the movement of heavy vehicle traffic or other significant traffic, to or from, the Applicant's property or which generates sound levels in excess of sixty decibels (60 db) or otherwise is likely to significantly disturb the residents of the adjacent neighborhoods prior to 7:00 AM or after 7:00 PM on weekdays and prior to 8:00 AM or after 4:00 PM on weekends.

e. Contractors and Subcontractors. The Applicant shall require that all contractors and subcontractors and vendors doing business on the Project be contractually required to follow the terms of, and comply with, the policies set forth in this Development and Construction Management Plan.

f. Traffic, Loading, and Parking.

- (i) Truck queuing and routing shall be coordinated with the District Department of Transportation and adjacent property owners.
- (ii) The Applicant shall use its best efforts to ensure that construction related traffic does not travel on R, Quincy, or Q Streets N.E. (not including the future Q Street Extension) or impede rush hour traffic on Eckington Place and Florida Avenue. A flagperson shall be assigned to expedite movement of construction related traffic if any consistent traffic backups occur on any of these streets.
- (iii) No construction vehicles shall be parked on the surrounding residential streets.

**Edgewood Civic Association
P.O. Box 92168
Washington, D.C. 20090**

October 18, 2007

Zoning Commission for
The District of Columbia
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

**RE: Letter of Support for NoMa West Residential I, LLC
Zoning Commission Case No. 05-23A**

Dear Members of the Zoning Commission:

On September 24, 2007, the Edgewood Civic Association voted to support the above-referenced application to modify the PUD approved for the 4.3 acre site at Eckington Place and Harry Thomas Way.

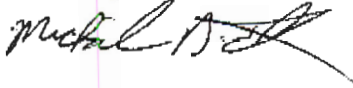
It is our understanding that the modified PUD will include approximately 600 dwelling units and a small park, consisting of approximately 4,300 square feet, which will be open to the neighborhood for active and passive recreation. Also, the developer will construct an extension of Q Street from Eckington Place to Harry Thomas Way, and agrees to make a monetary contribution of \$55,000 to the District Department of Transportation for a new connection to the Metropolitan Branch Trail and a \$25,000 contribution for the design and construction of a signalized intersection at Rhode Island Avenue and 3rd Street, N.E.. Finally, 8% of the residential floor area for the project will be reserved as affordable housing.

With the modified PUD, the subject property will be developed at a lesser density than with the previously approved project. Also, the maximum building height for the modified PUD will be approximately 64 feet, 6 inches, which is 45 feet lower than the apartment buildings for the approved project. Based on these modifications, the Edgewood Civic Association feels that the design of the project is more compatible with the surrounding area.

The applicant has been responsive to concerns raised by the community, including the need for approximately 1,000 square feet of ground floor retail to serve the residents in the project and the surrounding neighborhood. We also commend the applicant for its support of numerous neighborhood organizations through the PUD community benefits and amenities package, including a contribution of \$20,000 to the Edgewood Civic Association. This contribution will be used to cover the cost of printing and distributing the Association's quarterly newsletter, donations of equipment to the Harry Thomas Recreation Center and the Edgewood Recreation Center, donations to the PTSA for the Emery and Shad Elementary Schools for student and parent enrichment programs, grants to senior citizens for snow removal and safety maintenance of their homes; summer festival for youth in the community; and community beautification projects.

In light of the foregoing, we respectfully urge the Zoning Commission's approval of the modified PUD application.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Clark", with a stylized flourish at the end.

Michael Clark
President
Edgewood Civic Association

4857063_v2

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 5C
PO Box 77761 Washington, DC 20013
www.anc5c.org



Zoning Commission for the District of Columbia
c/o Sharon Schellin
Secretary to the Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 210-S
Washington, DC 20001

Re: Zoning Commission Case No. 05-23A

Dear Ms. Schellin:

The Advisory Neighborhood Commission 5C ("ANC 5C") met on October 16, 2007, to consider the above-referenced application of NoMA West Residential I, LLC ("Applicant"). The public received notice concerning the date, time, and location of this meeting and a quorum of ANC 5C attended. Representatives for the Applicant provided a full presentation at the previous month's ANC 5C meeting and were again available to answer questions from the commissioners and the public at the October 16 meeting. After hearing the presentation and allowing time for questions and discussion, ANC 5C unanimously voted to support the Applicant's proposed development.

The Applicant informed ANC 5C that it plans to construct approximately 600 dwelling units and 1,000 square feet of ground floor retail. The building will have a maximum height of 64 feet-6 inches, a FAR of 3.3, and a minimum parking ratio of .8 parking space per unit. The community benefits and amenities offered include (a) the extension of Q Street from Eckington Place to Harry Thomas Way, (b) a publicly-accessible park consisting of approximately 4,123 square feet, (c) a \$55,000 contribution to the District Department of Transportation for the construction of a connection from Harry Thomas Way to the Metropolitan Branch Trail, and (d) monetary contributions to local civic organizations.

We believe that the development's height and density are compatible with the surrounding neighborhood. ANC 5C hereby submits into the record for Zoning Commission Case Number No. 05-23A its unanimous support of this application and recommends that the Zoning Commission approve the application. ANC 5C anticipates that the Zoning Commission will afford this recommendation the great weight that it is required to by law.

Thank you for your consideration.

Sincerely,

Kris Hammond, Corresponding Secretary, for
Anita Bonds, ANC 5C Chair

Commissioners

5C01 Anita Bonds
Chairman
5C01@anc.dc.gov

5C02 Kris Hammond
Corresponding Secretary
5C02@anc.dc.gov

5C03 Stu Davenport
5C03@anc.dc.gov

5C04 John Salatti
Vice Chairman
jsalatti@earthlink.net

5C05 Vacant

5C06 Mary L. Farmer-Allen
Historian
5C06@anc.dc.gov

5C07 Barrie Daneker
Financial Secretary
5C07@anc.dc.gov

5C08 Marshall Phillips
Parliamentarian
5C08@anc.dc.gov

5C09 Silas Grant
Recording Secretary
5C09@anc.dc.gov

5C10 Timothy Day
5C11@anc.dc.gov

5C11 Allison DeFoe
Treasurer
5C11@anc.dc.gov

5C12 Derrick Holloway
Sergeant-at-Arms
5C12@anc.dc.gov

ANC5C meets on the
3rd Tuesday of the
month.



Parcvue Bench



Concourse Receptacle



Acer rubrum 'October Glory'
Red Maple



Magnolia stellata
Star Magnolia



Lagerstroemia indica 'Natchez'
Crape Myrtle



Berberis thunbergii
Crimson Pygmy Barberry



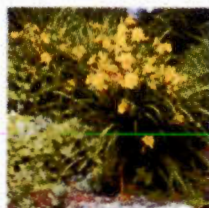
Hydrangea quercifolia
Oakleaf Hydrangea



Hosta sieboldiana 'Elegans'
Plantain Lily



Astilbe x arendsii
Bridal Veil Astilbe



Hemerocallis
Daylily



Pennisetum alopecuroides
Fountain Grass



Sedum 'Autumn Joy'
Stonecrop

