



Near Southeast/Southwest

Advisory Neighborhood Commission 6D

January 21, 2016

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Anthony Hood, Chairman
Zoning Commission of the District of Columbia
441 4th Street, NW
Washington, DC 20001
VIA EMAIL: zcsubmissions@dc.gov

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Re: ZC 08-30B, 08-30/08-30A Modification, West Half Residential II and West Half Residential III LLCs, Capitol Gateway Overlay District

Dear Chairman Hood and Members of the Zoning Commission,

At a regularly scheduled and properly noticed public meeting on January 11, 2016 with a quorum present, a quorum being four Commissioners, Advisory Neighborhood Commission (ANC) 6D voted 7-0-0 to send the following letter. This letter is in support of West Half Residential II LLC and West Half Residential III LLC's (collectively "the applicant's") requested modification to Zoning Commission order 08-30 as amended by order 08-30A. However, ANC 6D has several comments on its support for the modification.

ANC6D is glad to see mixed-use construction that will draw foot traffic and more residents to our neighborhood. In addition, units with two or more bedrooms are in relatively short supply in ANC6D and this project includes many such units: 75 condominium units with two bedrooms, with some units larger than 2000 square feet and therefore allowing for the construction of additional bedrooms if the owner so chooses; 4 rental units with two bedrooms; and 10 rental units with three bedrooms. Overall, nearly 21% of the 424 units will have at least two bedrooms.

Community Benefits

Exhibit 23 of Zoning Commission (ZC) case 08-30 (attached to this letter) is a Community Benefits Agreement (CBA) for the site, negotiated by 08-30's applicants, ANC 6D, and the Community Benefits Coordinating Council. The CBA addresses the applicant's commitments regarding local hiring, environmental protection, traffic, parking, community relations, and other topics. ANC 6D expects the applicants to continue to abide by this CBA regardless of any modifications allowed or denied by the ZC.

ANC6D supports affordable housing in our community, and we understand that residential areas equal to 8% of the square footage of the penthouse level ($22917 \times 0.08 = 1833$ square feet) will be designated affordable to households with income up to 50% of Area Median Income. The unit mix of this affordable housing will match that of the building as a whole and the affordable housing units will be scattered throughout the building. The affordable housing provided is the minimum allowable under District law; ANC6D would prefer to see more residential square footage designated as affordable to households with low incomes. This would be beneficial to preserve or even increase the economic diversity of our community.

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Specific Relief Requested

ANC 6D does not oppose the applicant's request for additional relief from the Capitol Gateway Overlay's maximum lot occupancy requirement (634.1). There is ample pedestrian access around the proposed building and the building's terraces reduce the feeling of bulkiness one might otherwise expect from a building with such high lot occupancy. However, given the reduction in street-level open space such relief would create, ANC 6D expects that the applicants' public space permit request will include extensive landscaping on the public-facing portions of the street level. The applicants should also plan their public space with an eye towards accommodating any dogs who will be allowed to live in the building; such accommodations should include waste disposal bags and receptacles.

ANC 6D does not oppose the applicant's request for relief from setback requirements in section 1607.2 for a portion of the building facing Half Street SE. The proposed design steps back substantially, especially in the upper floors, and its terraces provide light and ventilation both at the street level and for those viewing the building from higher up.

ANC 6D supports the applicant's request for relief from the rule that compact spaces must be provided in groups of five or more spaces (2115.4). ANC 6D also appreciates that all bicycle parking spaces have been provided on level P1.

The applicants have also requested relief from 2115.2's requirement that no more than 40% of spaces be sized for compact cars. 33 of the 70 spaces on level P1 of the proposed parking area are sized for compact spaces. On levels P2 and P3, 100 of the proposed 210 spaces are sized for compact cars. This creates a total percentage of 47.5% compact spaces. ANC 6D does not oppose the applicant's request for relief from 2115.2 so long as the applicants and their successors agree to minimize the impact this requested relief will impose on parking in the neighborhood by:

- Informing prospective buyers or tenants of the size of the spaces they purchase or rent
- Including information about residents' inability to apply for Residential Parking Permits (RPPs) in leases and condominium documents and enforcing residents' adherence to those terms
- Should RPP rules change in the future, agreeing not to request RPP for the building

ANC 6D notes that the CBA requires a 0.75 parking ratio. The planned 424 units would therefore require 318 residential parking spaces, but the building as planned would only provide 280 total spaces, though ANC 6D understands that updated parking plans and renderings are forthcoming. ANC 6D requests that the applicants be required to provide parking at the ratio agreed upon in the CBA.

ANC 6D does not oppose the applicant's request for relief from loading berth and loading platform requirements in 2201.1 so long as all residential and retail loading occurs using the loading berths and platforms and does not involve loading from the streets and "via" that surround the building.

The project will require careful design of the parking lot for safe residential and retail use, as well as creation of an effective loading plan. The applicants have indicated they are consulting with DDOT to develop a transportation and loading analysis and a loading management plan for the process. Relief should only be granted when these plans have been developed to DDOT's satisfaction and submitted to the ZC. These documents must include an adequate plan for situations when emergency services are required at the building (either during construction or operation), especially if such a situation occurs while a major event is happening at Nationals Park.

The applicants are uncertain whether their planned closed court requires relief from 638.2. ANC 6D does not oppose such relief if it is necessary, so long as the closed court has adequate light, ventilation, and drainage.

Environmental Concerns

ANC 6D supports green building. This project, with proposed modifications, targets LEED Silver certification. However, the CBA indicates a willingness to target LEED Platinum certification. The ZC order in 08-30A required that the project would achieve LEED Gold certification in both its residential and non-residential portions, and then was amended to allow Silver in the residential portion and Gold in the non-residential portions. ANC 6D requests that the ZC not reduce the applicant's obligations in this area and expects that the applicants will adhere to the CBA.

This project expects to receive a LEED point (IDP 1.1) for its green education plan. As part of such plan, the applicants should consider outreach to local schools to educate students about green building and the vegetation on and around the building.

This project is located very close to the Anacostia River, which provides habitat for 172 species of birds,¹ including bald eagles.² It is therefore important for the building's design to balance a desire for openness (and a requirement for a large amount of clear or low-emissivity glass in streetwalls facing M Street, Section 1604(e)) with the need to protect birds from collisions with glass. As recommended by the Audubon Society's Bird-Safe Building guidelines,³ ANC 6D supports reducing glazing reflectivity on the building's retail areas and/or the introduction of "visual noise" such as bird-deterrent window films or etching. These actions could also help the project receive credit for LEED-NC SSc5.1, Site Development—Protect or Restore Habitat.

Site Management: Construction and Operations Phases

ANC 6D voted to send this letter pending the applicant's submission to the Zoning Commission of a construction management plan. The applicant has provided a draft plan and will continue to work with ANC 6D to finalize it.

ANC 6D opposes after-hours construction and construction-related work on sites close to residences in accordance with DCMR 12A section 105.1.3. Given the proximity of the site to other residential buildings, ANC 6D requests that if the applicants or any successors or subordinates request an after-hours permit, they will also inform the Commission of the request and the reasons for it, so that neighborhood residents can understand the need for the permit application and have the opportunity to provide feedback to DDOT and DCRA. In addition, ANC 6D requests that the applicants or any successors or subordinates send an electronic copy of any issued after-hours permit to the Commission and the Commissioner in whose Single-Member District the project is located, at least 24 hours before the commencement of after-hours work. Inclusion of this commitment in the Zoning Commission's order is a condition of ANC 6D's support for the applicant's proposed modifications.

ANC 6D supports efforts to encourage pedestrian, bicycle, and public transit access to the site. ANC 6D also supports the idea of paving Van Street SE with special materials to increase the draw and character of the street, with the understanding that the applicants and adjacent developers will pay the cost of the special paving materials.

¹ <http://www.anacostiaws.org/news/blog/birds-anacostia-watershed>

² <http://www.chesapeakeconservancy.org/bald-eagle>

³ <http://www.nycaudubon.org/our-publications/bird-safe-buildings-guidelines>



ANC 6D

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ANC 6D further supports the project's proposal for a "curbless street" along Half Street to facilitate pedestrian circulation when events occur at Nationals Park, so long as the street features the planned vegetation (the CBA indicates an agreement to provide "planting strips" along Half Street SE) and provides a way of distinguishing between areas that are always pedestrian-only and those that are sometimes open to cars (perhaps by changing the color or orientation of paving materials). Curbless streets, sometimes called festival streets or woonerfs, allow for faster pedestrian flows and slower automotive speeds.⁴ ANC 6D supports the use of permeable pavers for stormwater management and cushioned, long-lasting paving materials that do not become slippery when wet, for pedestrian safety.

ANC 6D thanks the Zoning Commission in advance for its careful consideration of the comments in this letter.

Respectfully submitted,

Andy Litsky

Chair, ANC 6D

⁴ See http://www.seattle.gov/transportation/rowmanual/manual/6_2.asp, <http://www.pps.org/reference/8-principles-streets-as-places/>, http://seedmagazine.com/content/article/where_the_sidewalk_ends/, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjn07bG_Z_KAhXD4D4KHylvAQ0QFggdMAA&url=ftp%3A%2F%2Fftp.ci.austin.tx.us%2FPWD_ESD%2FEngineeringServices%2FSecond_Street%2FArchive%2FADA_Coordination%2F05%2520Curbless%2520Streets%2520Research%25202007-07-30%2520pub1.pdf&usg=AFQjCNEidZA8KrUqYuAQEg9DfzNrJnLzdg&sig2=ElGuma35xMMJbVUF-3xmrQ

Community Benefits Agreement

This agreement was signed on January __, 2009, in Washington, DC, between West Half 1, LLC, West Half 2 LLC, and West Half 3 LLC (collectively, the "Applicant"), Advisory Neighborhood Commission ("ANC") 6D, and Ruth Hamilton, representing the Community Benefits Coordinating Council. This agreement concerns the Applicant's plan for building structures associated with Square 700 as defined below.

EMPLOYMENT, CONTRACTORS, AND VENDORS.

A. Construction: The Applicant in building the project, on Square 700 (or its designee) and its general contractor will develop a program for their subcontractors that includes the following:

1. Recruitment of construction workers from ANC 6D by purchasing quarterly ads in the Southwester or other local publication, between breaking ground and issuance of the final certificate of occupancy;
2. An overall 5% "first-source" employment goal for qualified ANC 6D residents; and--
3. Tie-breaking preferences, as to--
 - a. LSDBE companies, for qualified companies headquartered in ANC 6D, and--
 - b. Construction workers, for qualified workers living in ANC 6D.

After Construction: As to retail sales, administrative, management, community-relations, landscaping, janitorial, and other services needed after the project is finished, the Applicant (or its designee), its contractors, subcontractors, vendors, and lessees will continue to have both a tie-breaking preference for qualified ANC 6D companies and qualified residents, and a 5% qualified ANC 6D "first-source" resident employment goal.

- C. The Applicant will participate in good faith in the Near SE/SW Community Benefits Coordinating Council's Workforce Development Center Steering Committee to develop jobs, training, placement, job readiness, and support. A representative will make a good faith effort to attend meetings.
- D. In conjunction with other employer efforts to recruit employees, the Applicant will participate in annual "Job Fair" in ANC 6D to solicit employees. Ads will be placed in the Southwester or its designee, www.SWDC.org, and other venues as appropriate as well as with appropriate signage to promote the event.

The Applicant will comply with District "First Source" requirements.

CONSTRUCTION.

Prior to construction activities, the Applicant (or its designee) will submit the DDOT

construction street plan with routes for trucks, etc. for review and comment by ANC 6D.

ENVIRONMENTAL.

The Applicant will seek Platinum LEED certification for each of the building structure associated with Square 700 as defined below. ANC 6D recognizes that the Applicant may not be able to fully achieve a LEED Platinum building, but has made that their stated design goal.

The Applicant (or its designee) will establish a recycling program for post consumer waste to include residential, office, and retail uses.

The Applicant will include planting strips on the ground level of the project along Half Street.

TRAFFIC, PARKING, AND LOADING DOCKS.

Because of no traffic signal at M and Van Streets SE, the Applicant will work with DDOT to determine whether only right turns will be allowed from Van Street SE onto M Street SE.

Residential parking will be provided as stated at .75 per and public commercial/retail underground parking will be provided.

ANC6D supports the 4-30 foot loading docks and the Applicant agrees to limit the length of trucks to 40 feet for recurring daily deliveries, etc. due to the width of Van Street SE (50 feet).

PUBLIC SPACE PERMITS.

In regard to potential closings of Half Street, Van Street or N Street for events, the applicant seeking the closure of such street will collect signatures only from authorized representatives of the adjoining establishments. The street closure applicant will present the signature list and application to the ANC a minimum of three (3) business prior to submission to the Emergency Management Agency (EMA). The street closure applicant shall use public space only in strict conformance with the permit received. The street closure applicant agrees to provide to the ANC a copy of such permit by mail at least 2 business days prior to any use of public space.

COMMUNITY RELATIONS.

The Applicant and/or its designee(s) will maintain a close working relationship with ANC6D and is strongly encouraged to attend monthly business meetings (second Monday of each month). The Applicant has stated it is a good community partner and will act as such.

The Applicant and /or its designee(s) will endeavor to provide support to improve the quality of life for residents in facilities such as the Hope VI "Capper Senior" DCHA facility. This will include the Sassy Senior program supported at the King Greenleaf Recreation Center that previously resided in the near SE DPR facility. Support may also be made by Akridge's philanthropic foundation.

The Applicant and/or its designee(s) will seek to support the civic, public schools and cultural elements of the near SE/SW community (ANC 6D area). Such support may include the following:

Aiding fundraising projects (which may be coordinated with the Youth Activities Task Force, Resident Council Group (DCHA facilities based), or other community recognized 501 (c) 3 non-profits that support residents of ANC6D. These projects may provide support for back-to-school supplies (such as previously provided by Akridge for Jefferson Middle School), Thanksgiving baskets, winter clothing, and/or similar quality of life support.

Promoting and supporting "mentors and tutors" for our local public schools.

Support events such as the annual community arts festival by the Corcoran School of Art and Design and/or its designee.

Promoting cultural elements, such as the Cherry Blossom Festival, Christmas Parade of Lights on the Waterfront, Jazz Night, Blues Night, etc.

Supporting the near SE/SW community as a Wi-Fi, high tech community.

Using, supporting, disseminating, and promoting the Southwester newspaper.

ANNUAL REPORT.

Beginning with the year following the execution of this agreement, each year the Applicant will make an annual report to ANC 6D regarding satisfaction of the benefits covered by this agreement. In the Applicant's discretion, the report may be in writing; may be a combined report by both the owner and manager of the residential portion facility; and may include other aspects of the facilities. This will convey with the sale of all or any portion of the property.

All communications will be sent to the ANC6D Office address (PO Box 71156, SW Station, Washington, DC 20024-9998), The ANC Chairperson, and the ANC Commissioner representing the SMD. The Applicant will advise the ANC of any change in contact information and numbers.

ANC PROJECT SUPPORT.

ANC 6D hereby supports the Applicant's current application for Zoning Commission review and approval of a new structure and new uses on M and Half Streets, SE in the Capitol Gateway Overlay District before any governmental bodies with the power to approve or reject the proposal (specifically Zoning Commission Case No. 08-30), contingent upon the Applicant agreeing to include this Agreement as a proposed condition in the Zoning Commission Order. The Applicant hereby agrees that it will urge the Zoning Commission to include this Agreement as a condition of approval in the Zoning Commission Order in Case No. 08-30.

DEFINITION.

In this agreement, the term "ANC 6D" means the Advisory Neighborhood Commission or Commissions that cover the neighborhood, or the geographic neighborhood itself, bounded by the following: on the west, Raoul Wallenberg Place, NW, the 14th Street Bridge, and the Potomac River; on the south, the Anacostia River; on the east, South Capitol St. (north of I-395), 7th St., SE (between I-395 and M St., SE), and 11th St., SE (south of M St., SE); and, on the north, Independence Ave., NW (west of South Capitol St.), I-395 (between South Capitol St. and 7th St., SE), and M St., SE (east of 7th St., SE). We expect the official designation of this Commission to change periodically with decennial reapportionment, and intend this agreement to benefit the residents of the above-defined neighborhood in perpetuity, whatever the designation of the Commissions that cover the neighborhood in which they live.

West Half 1 LLC, West Half 2 LLC, and West Half 3 LLC are the owners of the property located on Lots 33, 802, 840, 841, 850, 857, 864, 865, 871, and 872 in Square 700 which is commonly referred to as Half Street, SE (the "Property"). The Property is comprised of approximately 87,989 square feet of land area and is located in the CG/CR Zone District.

Signed at Washington, DC on the following dates:

WEST HALF 1, LLC, a Delaware limited liability company; and
WEST HALF 2, LLC, a Delaware limited liability company; and
WEST HALF 3, LLC, a Delaware limited liability company

By: 25 M Street Investors, LLC, a
Delaware limited liability company,
Its Managing Member

By: Akridge Office Fund, LLC,
A Delaware limited liability company,
Its Authorized Member

By: Akridge Fund Manager, LLC
A Delaware limited liability company
Its Managing Member

By: JACo Manager, Inc.
A Delaware corporation
Its Managing Member

By: 
Print Name: Matthew J. Klein
Print Title: President
Date: January 28, 2009

AP
TW

Advisory Neighborhood Commission (ANC) 6D

By: _____
Name: Andy Litsky
Title: Chair, ANC 6D
Date: January __, 2009

ADDITIONAL SIGNATURE ON FOLLOWING PAGE



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A Delaware corporation
Its Managing Member

By: _____
Print Name:
Print Title:
Date: January __, 2009

Advisory Neighborhood Commission (ANC) 6D


By: _____
Name: Andy Litsky
Title: Chairman, ANC 6D
Date: January __, 2009

ADDITIONAL SIGNATURE ON FOLLOWING PAGE

Community Benefits Coordinating Council

By: Ruth Hamilton

Name: Ruth Hamilton

Title: Acting Co-Chair

Date: January __, 2009