

July 5, 2016

VIA ONLINE FILING

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 210S
Washington, DC 20001

Re: Zoning Commission Case No. 15-15 – Application of JBG/Boundary 1500 Harry Thomas Way, L.L.C. and JBG/Boundary Eckington Place, L.L.C. to the D.C. Zoning Commission for a Consolidated Planned Unit Development and Related Zoning Map Amendment for 1500 Harry Thomas Way, NE (Square 3576, Lot 814) and 1611-1625 Eckington Place, NE (Square 3576, Lots 2001-2008) (the “Property”) – Applicant’s Revised Chart of Conditions for Order and Post-Proposed Action Submission

Dear Chairman Hood and Commissioners:

Pursuant to the requirements in Sections 2403.16–2403.18 of the Zoning Regulations, on behalf of JBG/Boundary 1500 Harry Thomas Way, L.L.C. and JBG/Boundary Eckington Place, L.L.C. (collectively, the “**Applicant**”), applicants in Zoning Commission Case No. 15-15, this letter addresses the public benefits and project amenities being proffered by the Applicant and sets forth the revised draft conditions that are both specific and enforceable, in response to feedback from both the D.C. Office of Planning and the Office of the Attorney General. Such conditions are provided in Section I below.

In addition, this letter responds to the requests for additional information by the Zoning Commission at the Proposed Action consideration of the project (the “**Project**”) at the Commission’s June 13, 2016 Public Meeting. Such information is provided in Section II below.

I. Revised Chart of Conditions of Order

Below is a chart of the proffered amenities and proposed conditions related to the Project.

<u>Benefits and Amenities</u>	<u>Proposed Condition</u>
<p><u>Exemplary Urban Design and Architecture</u>, through enhancing and celebrating the characteristics of the Eckington neighborhood, the use of thoughtful integration into the surroundings, innovative architecture invoking the industrial characteristics of the area, high-quality materials, hardscape improvements, and visually-appealing landscaping features, and increasing the porosity of the neighborhood.</p> <p><u>Street-Engaging Maker, Innovative Retail and Commercial Offerings</u> – The Applicant will provide up to approximately 77,184 square feet of maker, innovative retail and commercial space to create an inviting destination, activate the public realm around the site and stimulate other development in the vicinity. Most of this space will be double height space.</p> <p><u>Site Planning and Efficient Land Utilization</u> – The Applicant will provide such items through the replacement of low-scale structures and surface parking lots with a mixed-use, transit-oriented development that enhances the urban street grid, provides multi-modal transportation connections, strengthens the emerging Eckington neighborhood, and fulfills many of the planning goals and policies of the Comprehensive Plan.</p>	<p>A1. The Project shall be developed in accordance with the architectural plans and drawings submitted on July 5, 2016 (Exhibit 51A [<i>This is the July 5th submission of full plan set, referenced below in Section II(A).J</i>], and as modified by the guidelines, conditions, and standards herein (the "Plans").</p> <p>A2. The Project shall include a mixed use building composed of four connected structures containing up to approximately 703,362 gross square feet ("GSF"), which is equivalent to an FAR of up to approximately 5.2. Such GSF will be composed of up to approximately 77,184 GSF of commercial, retail and service uses and up to approximately 695 residential units. The Project will contain a parking garage containing up to approximately 331 parking spaces for both commercial and residential parking. Three of the structures will be constructed to a height of up to approximately 75 feet and one of the structures will be constructed to a height of up to approximately 102 feet.</p> <p>A3. The M Zone District designation for the Property shall be amended to become the CR Zone District. Pursuant to 11 DCMR § 3028.9, such amendment of zoning shall be effective upon the recordation of the covenant discussed in Condition No. D(2).</p> <p>A4. The Applicant shall have flexibility relating to the closed court, roof structure, Inclusionary Zoning, compact parking percentage, and loading requirements as well as the constraints on light industrial uses in the CR Zone District as shown on the Plans.</p>

<p><u>Provision of the Promenade</u> – The Applicant will enhance the connectivity and porosity of the neighborhood patterns through the design, construction, and maintenance of the Promenade.</p>	<p>A5. The Applicant shall construct a Promenade as shown on Pages A4.01, A4.02, A4.05, A4.06, L1.01, L1.02, and L1.04 of the Plans.</p>
<p><u>Environmental Benefits</u> will be incorporated through extensive sustainable features. The project will be designed to a LEED v. 2009 Silver, 2009 level. Although this element is not being considered part of the Applicant’s benefits and amenities package, it will be a condition of the Order.</p>	<p>A6. The Project’s LEED and solar panel requirements shall be as follows:</p> <ul style="list-style-type: none"> a. <u>Prior to the issuance of the first Certificate of Occupancy for the structures on the West Parcel</u>, the Applicant shall demonstrate that it has designed and constructed the structures on the West Parcel to Silver certification or higher under the LEED NC v. 2009 rating system with a minimum of 56 LEED points; b. <u>Prior to the issuance of the first Certificate of Occupancy for the structures on the East Parcel</u>, the Applicant shall demonstrate that it has designed and constructed the structures on the East Parcel to Silver certification or higher under the LEED NC v. 2009 rating system with a minimum of 57 LEED points; and c. <u>Prior to the issuance of the first Certificate of Occupancy for the structures on the second phase of the Project</u>, the Applicant shall demonstrate that it has designed and constructed a minimum of approximately 10,000 square feet of solar panels on the entirety of the Project.
<p><u>Housing and Affordable Housing</u> – Through the provision of housing on a site where it otherwise would not be permitted. The affordable housing component of the PUD will be 8% of the residential gross floor area of the PUD for households with an annual income of no</p>	<p>B1. The affordable housing component of the PUD shall be 8% of the residential gross floor area of the Project. <u>If construction of the Project does not proceed in phases, prior to the issuance of the first Certificate of Occupancy for the Project</u>, and for the life of the Project, the Applicant</p>

more than 60% of the Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for household size) for the life of the Project.

shall demonstrate that it has set aside a minimum of 8% of the residential gross floor area of the Project as affordable housing. **If construction of the Project does proceed in phases, (a) prior to the issuance of the first Certificate of Occupancy for the structures on the West Parcel,** and for the life of the Project, the Applicant shall demonstrate that it has set aside a minimum of 8% of the residential gross floor area of the West Parcel structures as affordable housing, and **(b) prior to the issuance of the first Certificate of Occupancy for the structures on the East Parcel,** and for the life of the Project, the Applicant shall demonstrate that it has set aside a minimum of 8% of the residential gross floor area of the East Parcel structures as affordable housing.

- a. The affordable housing units shall be available to households with an annual income of no more than 60% of the Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for household size).
- b. The Applicant shall distribute the mix of affordable housing unit types proportional to the mix of market rate unit types. The size of the affordable units shall be of a size substantially similar to the market rate units.
- c. The Applicant shall distribute affordable housing units throughout the Project on all floors except that the Applicant shall not be required to locate any affordable units on the top two floors of the structures as shown on Pages A1.21-A1.23 of the Plans. Furthermore, within each floor, the Applicant shall not concentrate such units in any one tier or section of the Project.

	<p>d. In addition to the affordable housing required pursuant to Conditions B(1) and B(1)(a), the residential occupiable space in the Northwest Structure penthouse will require the provision of a separate affordable housing unit on site for households with an annual income of no more than 50% of the Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for household size). Such unit size will be calculated as 8% of the habitable space gross floor area within the Northwest Structure’s penthouse.</p>
<p><u>Repaving of Northeast Alley</u> – The Applicant will repave the alley to the northeast of the Property, subject to approval by DDOT, and has designed such alley to be able to utilize a two (2) foot setback for the first two levels of the Project abutting such alley.</p>	<p><u>B2. Prior to the issuance of a Certificate of Occupancy for the Northeast Structure,</u> the Applicant shall demonstrate that it has repaved the alley to the northeast of the Property, subject to public space permitting approvals by DDOT, and has designed such alley to include a two (2) foot setback along its southern edge and into the Property for a clearance approximately corresponding to the top of the second floor of the Northeast Structure. After the Northeast Structure has been constructed and prior to the Applicant repaving such alley, DDOT shall inspect such alley to determine whether damage occurred to the alley as the result of the Project construction that would otherwise require the Applicant to repave the alley. If DDOT determines that the alley was damaged by the construction of the Project, this public benefit will be replaced by Applicant contributing \$35,000 to DDOT (or as otherwise directed by DDOT) for the Mid-City Livability Study design and installations implementing such designs on the east side of Eckington Place adjacent to the Project.</p>
<p><u>Community Meeting Space</u> – The Applicant will provide, at no cost and for the life of the Project, ANC 5E and the</p>	<p><u>B3. Upon issuance of the Certificate of Occupancy for the portion of Project covering such space and for the life of the</u></p>

<p>Eckington Citizens Association access a community meeting room comprising a total of approximately 1,200 gross square feet.</p>	<p>Project, the Applicant shall provide evidence of its provision of, at no cost and for the life of the Project, ANC 5E and the Eckington Citizens Association (or a committee or Single Member District constituency meeting thereof) access to use a community meeting room comprising a total of approximately 1,200 gross square feet. The Eckington Citizens Association (and committees thereof) shall have the right to such space no less than twelve (12) times per year and ANC 5E (or a committee or Single Member District constituency meeting thereof) shall have the right to such space no less than six (6) times per year. Such organizations shall have the right to utilize such space more than these minimum amounts subject to availability on a first-come, first-served basis. Such organizations will reserve the meeting space with building management on an ongoing basis and shall be provided with current building management contact information at all times.</p>
<p><u>Adopt-A-Block</u> – The Applicant will participate in the regular cleanup of trash and removal of graffiti along two (2) City blocks near the project.</p>	<p><u>B4. Prior to the issuance of the first Certificate of Occupancy for the Project and three (3) years after such program begins</u>, the Applicant shall provide evidence of its participation in the District’s Adopt-A-Block Program for the two (2) city blocks defined as the north side of Seaton Place, NE at the north, the east side of 3rd Street NE at the east, the south side of Randolph Street, NE at the south, and the west side of 2nd Street, NE on the west. As part of this program, the Applicant will regularly clean up trash, beautify, and remove graffiti in such areas.</p>
<p><u>Contribution for Eckington Banners</u> – The Applicant will contribute up to \$20,000 to the vendor(s) responsible for work relating to the design and installation of banners denoting the Eckington neighborhood on streetlights and/or lampposts surrounding the Property (subject to approval by DDOT).</p>	<p><u>B5. Prior to the issuance of the first Certificate of Occupancy for the Project</u>, the Applicant shall provide evidence that it has contributed \$20,000 to the vendor(s) responsible for work relating to the design and installation of banners denoting the Eckington neighborhood on streetlights and/or lampposts surrounding the Property</p>

<p>Any excess from such \$20,000 allocation shall be donated to the nonprofits selected by the Eckington Citizens Association.</p>	<p>(subject to approval by DDOT). Such evidence shall be in the form of a letter submitted to the Zoning Administrator stating that the banners have been funded by the Applicant’s contribution and the amount of such contribution. The banners shall be designed in coordination with the Eckington Neighborhood Association and the effort shall produce a minimum of five (5) and a maximum of 40 banners. Any excess from such \$20,000 allocation shall be donated to the nonprofits selected by the Eckington Citizens Association as specified in Condition B12.</p>
<p><u>Public Art</u> – The Applicant will purchase and install a piece of public art in the public space at the entrance of the promenade along Eckington Place (subject to approval by DDOT).</p>	<p>B6. <u>Prior to the issuance of the first Certificate of Occupancy for the structure on the Western Parcel</u>, the Applicant shall purchase and install a piece of public art in the public space at the entrance of the promenade along Eckington Place (subject to approval by DDOT). The Applicant will determine the ideal type and configuration for such art, subject to the review and approval of such proposal through the public space permitting process. The approximate location for such art is shown on Page L1.02 on Exhibit 32A.</p>
<p><u>Employment Agreement</u> – The Applicant will enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”) in the form submitted into the record as Exhibit 51B to make good faith efforts to achieve the goal of utilizing District of Columbia residents for at least 51% of the new construction jobs created by the Project.</p>	<p>B7. <u>Prior to the issuance of the first above-grade building permit for the Project</u>, the Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”) substantially in the form submitted into the record as Exhibit 51B to make good faith efforts to utilize District of Columbia residents for at least 51% of the new construction jobs created by the Project.</p>
<p><u>Community Garden</u> – The Applicant will provide a community garden to the surrounding community within the ANC 5E03 boundaries for a minimum of a six (6) year term.</p>	<p>B8. <u>Prior to the issuance of the first Certificate of Occupancy for the Project</u>, the Applicant shall provide evidence that it has provided a minimum of an approximately 1,200 square foot community garden to the surrounding community within the ANC 5E03 boundaries for a minimum of a six (6) year term. ANC 5E (or similar</p>

	<p>community organization) shall manage and operate such garden, including such functions as processing applications for plots, distributing plots to interested individuals, enforcing garden guidelines, and other similar functions.</p>
<p><u>Metropolitan Branch Trail Security Enhancements</u> – The Applicant will contribute \$25,000 to DDOT (or the NoMA Business Improvement District) to improve safety measures along the Metropolitan Branch Trail, with a preference on the areas of the portion of the trail north of R Street, NE most directly affecting the Eckington community.</p>	<p>B9. <u>Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall provide evidence that it has contributed \$25,000 to DDOT (or the NoMA Business Improvement District) to improve safety measures along the Metropolitan Branch Trail, with a preference on the areas of the portion of the trail north of R Street, NE. If such contribution is provided to the NoMA Business Improvement District, such evidence shall be in the form of a letter submitted to the Zoning Administrator stating that the safety measures have been funded by the Applicant’s contribution and the amount of such contribution. Examples of such safety measures include but are not limited to cameras, lighting, and call boxes.</p>
<p><u>NOMA Park Enhancements</u> – The Applicant will contribute \$25,000 to the NoMA Business Improvement District (or similar organization) for the design and implementation of the NoMA Park on Harry Thomas Way, NE.</p>	<p>B10. <u>Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall provide evidence that it has contributed \$25,000 to the NoMA Business Improvement District (or similar organization) for the design and implementation of the NoMA Park on Harry Thomas Way, NE. Such evidence shall be in the form of a letter submitted to the Zoning Administrator stating that the items or services related to the NoMA Park been funded by the Applicant’s contribution and the amount of such contribution.</p>
<p><u>Maker Space Financial Assistance</u> – The Applicant will subsidize or provide a reduction in rent (or otherwise financially assist) equivalent to \$10.00 per square foot (below then-current market rents) for innovative retail or “maker” uses the commercial areas on the first floor for</p>	<p>B11. <u>Prior to the issuance of the first commercial Certificate of Occupancy for the Western Parcel,</u> the Applicant shall provide evidence that is has subsidized or provided a reduction in rent (or otherwise financially assisted, or will so financially assist) equivalent to \$10.00 per square foot (below then-current market rents) for</p>

<p>initial lease up of such space, for a minimum of 10,000 gross square feet.</p>	<p>innovative retail or “maker” uses the commercial areas on the first floor (and related optional mezzanine) for initial lease up of such space, for a minimum of 10,000 gross square feet. Such evidence shall be in the form of a letter from the Applicant and/or the tenant submitted to the Zoning Administrator certifying to the current market rent for the commercial space in the Project, the amount of such reduction in rent, and that the reduction is for the initial lease up term of such space. “Maker” uses shall consist of a use within the following use list: production, sale, distribution, and/or consumption of food and beverages; small-scale production and repair of goods and related sales; media/communications production and distribution; arts and entertainment; traditional crafts and trades; recreation uses; engineering and design; and technology design and production.</p>
<p><u>Contribution to Community Non-Profit</u> – The Applicant will contribute \$15,000 contribution to nonprofit organizations currently operating in Eckington as selected by the Eckington Citizens Association at its June 6, 2016 meeting.</p>	<p><u>B12. Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall provide evidence that it has contributed a total of \$15,000 to the following local organizations and programs in the following amounts:</p> <ul style="list-style-type: none"> a. \$5,000 to the Coalition for Homeless, Inc. at 1725 Lincoln Road, NE to operate its Emery Work Bed Program; b. \$5,000 to So Others Might Eat at 1876 4th Street, NE to operate the Shalom House; and c. \$5,000 to Pathways to Housing DC at 101 Q Street, NE to assist with the Housing First Program. <p>Such evidence shall be in the form of a letter (or letters) submitted to the Zoning Administrator stating that the above contribution (or contributions) have been made in the amount (or amounts) set forth</p>

	<p>above and have been utilized for the purpose (or purposes) set forth above.</p>
<p><u>3rd and Rhode Island Signal (Mitigation Related)</u> – The Applicant will contribute \$115,000 to DDOT towards the traffic signal design and installation project for the signal at 3rd and Rhode Island Avenue, NE. Excess funds from such contribution will be allocated to the Mid-City Livability Study design and installations implementing such designs on the east side of Eckington Place adjacent to the Project.</p>	<p>C1. <u>Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall contribute up to \$115,000 to DDOT towards the traffic signal design and installation project for the signal at 3rd and Rhode Island Avenue, NE. Excess funds from such \$115,000 amount shall be allocated from the Applicant to DDOT (or as otherwise directed by DDOT) to fund the Mid-City Livability Study design and installations implementing such designs on the east side of Eckington Place adjacent to the Project.</p>
<p><u>Effective and Safe Vehicular and Pedestrian Access and Transportation Management Measures,</u> including bicycle parking and financial incentives for tenants and/or residents to utilize public transportation.</p> <p><u>Car Share Spaces (Mitigation Related)</u> – The Applicant will dedicate two spaces in the residential garage or on-street along the perimeter of the site for car sharing services to use with right of first refusal, if the demand exists from car share companies. These spaces will be convenient to the garage entrance, available to members of the car sharing service 24 hours a day, seven days a week, without restrictions.</p> <p><u>Bike Share Station and Operating Costs (Mitigation Related)</u> – The Applicant will fund the installation of a Capital Bikeshare station, including the first year of operation of the new station, at the perimeter of the NoMA Green Park (total cost currently \$88,000) or other nearby area subject to DDOT/public space and, if necessary, BID approval.</p>	<p>C2. <u>For the life of the Project,</u> the Applicant shall provide the following transportation demand management (“TDM”) measures:</p> <ol style="list-style-type: none"> a. The Applicant will identify TDM Leaders (for planning, construction, and operations). b. The TDM Leaders will work with goDCgo staff to create free customized marketing materials and a TDM outreach plan for resident and retail employees, including developing a site-specific transportation guide for residents and visitors. c. Building management will provide updated contact information for the TDM Leader and report TDM efforts and amenities to goDCgo staff once per year. d. Building management will stock Metrorail, Metrobus, DC Circulator, Capital Bikeshare, Guaranteed Ride Home, DC Commuter Benefits Law, and other brochures. e. The Applicant will unbundle all parking costs from the cost of the lease and set the cost at market rate, defined as the average cost for

	<p>parking within a quarter-mile of the site on a weekday.</p> <ul style="list-style-type: none">f. The Applicant will exceed requirements and guidelines by providing no less than approximately 271 long-term bicycle parking spaces in the garages and no less than approximately 58 short-term bicycle parking spaces in the form of no less than approximately 29 U-racks within and along the perimeter of the site, upon the final built-out condition, subject to the approval by DDOT of any items to be installed in the public space.g. The Applicant will install a bicycle maintenance facility in the promenade, or other location on ground floor or first level of garage, upon the final built-out condition.h. The Applicant will install Transportation Information Center Displays (kiosks or screens) within the lobbies of the four (4) residential component structures, containing information related to local transportation alternatives.i. The Applicant will dedicate two spaces in the residential garage or on-street along the perimeter of the site for car sharing services to use with right of first refusal, if the demand exists from car share companies. These spaces will be convenient to the garage entrance, available to members of the car sharing service 24 hours a day, seven days a week, without restrictions (the garage may be gated – members of the service would have access to the spaces via a key pad combination to a pass code system or other similar device).j. The Applicant will fund the installation of a Capital Bikeshare station, including the first year of operation of the new station, at the perimeter of the NoMA Green Park
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	<p>(total cost currently \$88,000) or other nearby area subject to DDOT/public space and, if necessary, BID approval.</p> <p>k. The Applicant will provide to each new resident a one-time Bikeshare or carshare subsidy of \$85 (annual membership costs, plus an account credit if an annual membership costs are less than \$85) until the maximum value is obtained. The total amount of subsidies will have a maximum value of \$59,075 cumulative for the PUD (equivalent to providing one subsidy for each dwelling unit). This benefit shall be codified in rental / condominium documents.</p>
<p><u>Loading</u> and continued coordination with DDOT.</p>	<p>C3. The Applicant shall provide loading facilities as shown on the Plans and as described on Page A1.01 of the Plans. The Applicant shall undertake loading in accordance with the Promenade Management Plan submitted into the record as Exhibit 45B and as described in the Unified Loading Management Plan submitted into the record as part of Exhibit 50.</p>
<p><u>Affordable Housing</u>, clarification requested by OP for requested flexibility (underlined language in Condition D1h).</p>	<p>D1. The Applicant shall have flexibility with the design of the PUD in the following areas:</p> <ul style="list-style-type: none"> a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure; b. To vary final selection of the exterior materials within the color ranges and materials types as proposed, based on availability at the time of construction; c. To make minor refinements to exterior details, dimensions, and

	<p>locations, including belt courses, sills, bases, cornices, railings, balconies, trim, frames, mullions, spandrels, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or are needed to address the structural, mechanical, or operational needs of the building uses or systems;</p> <p>d. To vary the residential unit count of the Project by up to 10%;</p> <p>e. To vary the size, location and design features of the commercial component, including the size, location, and design of windows, doors, awnings, canopies, signage, and similar features, to accommodate the needs of specific retail tenants and storefront design subject to the commercial component tenant guidelines submitted as Exhibit 11F in the record;</p> <p>f. In the event that a retail tenant desires to lease the portions of the first and B-1 levels of the Southwest Structure shown on Pages 4.03 and 4.05A of the Plans, these levels may be modified as shown on the Plans and the portions of the Southwest Structure may be converted to commercial space, with the relevant portions of the façade modified accordingly;</p> <p>g. In the event that a retail tenant desires to lease the portion of the Northeast Structure shown on Page A4.12A of the Plans, such portions of the Northeast Structure may be converted to commercial space, with the relevant portions of the façade modified accordingly, <u>provided that the Applicant continue to provide its proposed affordable housing as though such converted space remained in residential use;</u></p>
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	<ul style="list-style-type: none">h. To vary the number, type, and location of doors related to the rooftop uses to accommodate changes in building operation and function;i. To construct mezzanine space of up to approximately 25,716 above the first floor commercial space for use by such tenants or users;j. To vary the location and configuration of the green roof areas and solar panels on the roofs as specified in the Plans and to remove the water tower elements on the elevated courtyard; andk. To revise the design of the public space surrounding the Property and elements of the Property ground floor landscaping and hardscaping to be consistent with the forthcoming Livability study for the public space adjacent to the Property.
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II. Responses to June 13, 2016 Proposed Action

In addition to the above conditions, the Applicant is submitting its responses to the information requested by the Zoning Commission at the Project’s Proposed Action Public Meeting on June 13, 2016.

A. Updated Set of Plans

In order to bring as much clarity to the record as possible, the Applicant is resubmitting the entirety of its architectural plans and drawings as Exhibit A (the “**Final Plans**”). The Final Plans represent the latest versions of all pages in the set, including those revised in response to the June 13, 2016 Public Meeting. This submissions is in accordance with a request from the Office of Planning.

B. Sustainable Design

The Applicant spent a great deal of time studying the various methods to further enhance the sustainable design of the Project. Specifically, the Applicant further reviewed whether the Project could achieve LEED NC v. 2009 Gold.

As previously stated in the record, the Applicant proposed a Project that will be certified as a LEED NC v. 2009 Silver building. In addition, the Applicant has upgraded the Project to commit to additional points beyond the LEED Silver level (50 points) and therefore will achieve six (6) additional points in the case of the West Parcel (for a total of 56 points) and seven (7) additional points in the case of the East Parcel (for a total of 57

points). The bulk of additional LEED points beyond such enhanced levels would be available through “EAc1” credits. Any additional EAc1 credits would require a different mechanical system, and necessitate a substantial redesign of the Project. Costs associated with such change would be significant due to the required change in mechanical systems, enhanced commission, additional design fees and a redesign of the building. Although the Applicant agrees that sustainable design is an ever more important element of real estate development, it has produced a sustainable design package that significantly exceeds current regulatory requirements while also allowing for the Project’s resources to be deployed towards specific public benefits that were requested by both the community and the District – most notably a very significant affordable housing set aside and first-of-their-kind subsidies for maker/innovative retail space.

As part of its holistic review of the Project’s sustainable design approach, the Applicant was able to significantly upgrade the amount of solar panels to be provided on the roof elements of the Project. As shown on Page A1.28 of the Plans, the Applicant proposes a total of approximately 10,000 square feet of solar panels. This is an increase of approximately 100% over the prior proposal of 5,000 square feet of solar panel area. The Applicant worked to maximize locations for the Project’s solar panels that both were operational (i.e., were not located in areas within shadows) and complied with the regulatory framework (i.e., were located outside of the one-to-one setback area at all exterior walls). Further, the Applicant studied additional locations to enhance the solar panel area to an even greater extent. Specifically, the Applicant investigated the ability to locate solar panels over its mechanical equipment on the Southwest Structure roof. However, the Applicant has been advised by consultants that the costs associated with maintenance of such items would not currently justify the installation of these elements.

As stated during the Hearing, the Applicant focused on maximizing its green roof and stormwater retention efforts in particular. The Applicant also has continued to refine its stormwater management strategy. The result was a project that not only meets the stormwater and GAR requirements, but aims to exceed such thresholds. Elements of such reuse will include a Cooling Tower on the West Parcel (as shown on the Plans at Page A4.20) and certain elements of the site’s irrigation and non-potable uses (i.e., cleaning the sidewalks). In addition, the Applicant is able to provide such street stormwater runoff treatments along the perimeter of the Project, on Harry Thomas Way and Eckington Place. As previously described, the Applicant will retain as much green roof area as possible beneath the solar panels being installed.

C. Mezzanine

The Zoning Commission requested that the Applicant further refine the sizes of the mezzanines proposed for the roof structure within the Northwest Structure of the Project. As a result of such review, the sizes of the mezzanines have been reduced such that each mezzanine is no greater than one third of the area of the “double height” space of the units

below. The configurations and calculations of these mezzanines are shown on Pages A1.25 and A1.26 of the Final Plans.

D. First Source Agreement

The First Source Agreement, as executed between the Applicant and the Department of Employment Services (“DOES”) is attached as Exhibit B. The Applicant also met with DOES regarding the Project and the First Source Agreement and looks forward to continuing the partnership.

E. Affordable Housing

In response to the Zoning Commission’s discussion of the affordable housing set aside in the Project, the Applicant is providing additional information regarding the administration and management of the Project’s affordable units and the District Department of Housing and Community Development (“DHCD”). One of the Applicant’s parent companies, The JBG Companies, has previously administered and managed similar affordable housing components of projects in the District, including Kennedy Row and other similarly situated project, and will do so here as well. An overview of the Applicant’s policies relating to the Project’s affordable housing set aside for households earning 60% or less of the Washington, DC Area Median Income (“60% AMI Units”) is attached as Exhibit C. In addition, the Applicant notes that it will execute and record the DHCD’s form of Affordable Housing Covenant for the Project’s 60% AMI Units¹. The Affordable Housing Covenants will be entered into between the Applicant and DHCD and, among other elements, will set forth the procedures for offering and administering the 60% AMI Units for the life of the Project in accordance with DHCD policies. To illustrate the types of obligations and procedures that will further govern the 60% AMI units and the ongoing involvement of DHCD in the Project, a form of such Affordable Housing Covenant is attached hereto as Exhibit D.

F. Benefits and Amenities

The above chart regarding benefits and amenities includes additional detail regarding the Project’s benefits and amenities, as requested by the Commission, OP, and OAG. Specifically, the conditions allow for the conditions to be evaluated in compliance with Section 2403.6.

We look forward to the Zoning Commission taking Final Action on this case. If you have any questions regarding this application, please feel free to contact Jeff at 202-721-1132. Thank you for your attention to this application.

¹ The Applicant notes that it will also enter into and record an Inclusionary Zoning Covenant to govern the 50% AMI unit described in Condition B(1)(d) above.

Z.C. Case No. 15-15 – 1611-1625 Eckington Place and 1500 Harry Thomas Way, NE
July 5, 2016


Respectfully submitted,



Jeffrey C. Utz

Certificate of Service

I certify that on July 5, 2016, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



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