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VIA IZIS AND HAND DELIVERY

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

**Re: Zoning Commission Case No. 16-06
Capitol Gateway (CG) Overlay Review
1900 Half Street, SW (Square 666, Lot 15)**

Dear Members of the Commission:

On behalf of Jemal's Lazriv Water, LLC (the "Applicant"), we respectfully request a waiver from 11 DCMR § 3013.8 in order for the Zoning Commission to accept, less than 20 days prior to the public hearing, the following information that responds directly to issues raised in the Office of Planning ("OP") report, dated May 27, 2016 (Exhibit 16), the Department of Energy and Environment ("DOEE") report, dated May 31, 2016 (Exhibit 17), and the District Department of Transportation ("DDOT") report, dated May 27, 2016 (Exhibit 18). Since filing its 20-day Prehearing Submission, the Applicant has continued to work closely with OP, DOEE, DDOT, and other District and Federal agencies to resolve outstanding issues, and considers the attached documents to be important components for the Commission's review and consideration of this project.

1. Level of LEED Certification

OP and DOEE both requested that the Applicant increase its sustainability commitment from LEED Silver to LEED Gold. As shown on the updated LEED Scorecard attached hereto as Exhibit A, the Applicant proposes to achieve LEED Silver certification through implementing the following sustainability items:

- 274 bicycle storage spaces for residents, employees, and retail customers;
- 10 electric Vehicle Charging parking spaces;
- ± 25% of project boundary restored with vegetation that is native and adaptive and promotes biodiversity;
- ± 65% of project boundary is open space with vegetation and pedestrian oriented hardscape;

- \pm 35% of roof is vegetated;
- \pm 35% reduction in potable water usage;
- \pm 50% reduction in site irrigation (e.g. strategic plant selections, high-efficiency);
- \pm 85% reuse of existing structural (preservation of embodied energy);
- \pm 10% recycled content and regional materials;
- 100% low VOC adhesive, sealants, paints, coatings, floorings, etc.;
- Stormwater volume reduced and stormwater quality managed with green roof and bio-retention structures;
- Ample lighting and thermal comfort controls provided throughout the building, including in amenity spaces; and
- Green operation and maintenance strategies under consideration, including Green Housekeeping and Integrated Pest Management.

The Applicant's LEED Scorecard is currently at 57 points, which is slightly below the LEED Gold certification. This is primarily a function of the subject property not being in close proximity to existing or proposed public transportation infrastructure. If it was, the Applicant would be able to achieve the six points available under *Sustainable Sites Credit 4.1: Alternative Transportation – Public Transportation Access*, which would bring the project into conformity with LEED Gold. In order to achieve these points, the alternative transportation infrastructure would have to be planned and funded within two years of substantial completion of the project, which is not anticipated in this case.

The Applicant is also working through a list of additional sustainability items that could result in LEED Gold certification for the project. However, as described below, the Applicant will not know whether these additional points are achievable until later in the design and construction process for the project. Thus, although the Applicant is not prepared to commit to LEED Gold at this time, it anticipates being able to achieve LEED Gold as it moves forward with the project. The following list describes the potential future LEED points:

- *Water Efficient Landscaping (WEc1)* - The designed roof plantings require irrigation. The Applicant is investigating whether cooling tower condensate can be used to meet the irrigation demand. If the design supports the use of condensate for irrigation and the condensate can meet 100% of the irrigation demand, then two additional LEED points can be earned;
- *Optimize Energy Performance (EAc1)* - The energy model is not complete at this time. At least three points are already anticipated to be achieved under this category based on preliminary analysis and similar projects. The results of the energy model will determine whether three remaining points are achievable. In this case, the project's reuse of existing technical equipment greatly limits the number of available points in this category.
- *Measurement and Verification (EAc5)* – The Applicant is presently reviewing the additional scope and requirements related to this category plan to determine whether additional points can be pursued.

- *Building Reuse (MRc1.1)* - Preliminary calculations indicate that the project has re-used more than 75% of the existing structural components, thus achieving two points. More detailed calculations will be performed to determine if the 95% threshold can be achieved to earn one additional point.
- *Indoor Chemical and Pollutant Source Control (IEQc5)* - The Applicant is still investigating whether walk-off entry mats and MERV 13 filters can be included in the design.

2. Treatment of Shoreline Adjacent to Riverwalk / Floodplain Mitigation Plan

As indicated in the Floodplain Analysis and Mitigation Plan Memorandum (Exhibit B), the southeast corner of the existing building is clipped by the 100-year floodplain, which is mapped at 10.5 feet in elevation. In order to remove the building from the floodplain, the Applicant proposes to regrade the shoreline with earthen fill material that will be placed in the Special Flood Hazard Area (“SFHA”). Placement of this fill will effectively raise the shoreline above the 11 foot elevation contour, which removes the building from the 100 year floodplain entirely. Per discussions with DOEE and the Federal Emergency Management Agency (“FEMA”) on May 20, 2016, this process is consistent with FEMA policy and procedures and is an acceptable method to remove the building from the floodplain.

Once the regrading work is complete and the ground elevation around the existing building is above 11 feet, the Applicant will submit a Letter of Map Amendment based on Fill Material (“LOMR-F”) to FEMA to document that the building is no longer within the SFHA. The re-graded and filled land will be used as part of the Applicant’s proposed Riverwalk adjacent to the site. The regraded land is proposed to be at 14 feet in elevation for the lowest level of residential units, which is the mapped height of the current 500-year floodplain. Thus, all relevant life-safety concerns for the lowest level of residential units is addressed, as is further shown on the revised ground floor plan (Sheet 14) which indicates the elevation of each egress doorway and an evacuation route for the lowest level, river-facing units.

Furthermore, as set forth in the Floodplain Mitigation Alternative Construction Methods Memorandum requested by DOEE (Exhibit C), the Applicant cannot physically remove the building from the floodplain by demolishing the first structural bay (20 feet wide) along the entire east side of the building facing the river. Doing so would have significant environmental, architectural, and structural disadvantages for the existing building and for the future mixed-use project (*see Exhibit C*). Thus, the Applicant’s proposal to add a moderate amount of fill to the shoreline and raise the grade level to remove the building from the floodplain is the only reasonable option to successfully adaptively reuse the existing building, provide a safe and secure residential development, and permit this project to move forward.

3. Terrace Design

The OP Report indicated inconsistencies within the architectural drawings regarding the private terraces on the ground level facing the Riverwalk trail. Attached hereto as Exhibit D are updated architectural sheets that are now internally consistent (Sheets 9, 13-15, 28, 30-33), as well

as a new close-up rendering of the private terraces (Sheet 36), as requested by OP. Proposed materials for the terraces include panelized rain screens and a vegetated patio guard screen to provide privacy for the residential units from the adjacent public Riverwalk. The sheets included in Exhibit D should replace those sheets previously submitted and included in the record at Exhibit 15A.

4. Riverwalk Trail Width and Design

OP requested that the width of the Riverwalk trail achieve the following minimum dimensions: (i) 10-foot pedestrian trail; (ii) 5-foot landscaped area; and (iii) 10-foot bicycle trail. As shown on the revised Site Plan Diagram (Sheet 40 of Exhibit D), the Riverwalk trail achieves the 10'-5'-10' dimensions (or greater) in all locations except for approximately 113 linear feet at the southeast corner of the site, where either (i) a 8-foot pedestrian trail, 5-foot landscaped area, and 10-foot bicycle trail is provided, or (ii) a 8-foot pedestrian trail, 3-foot landscaped area, and 10-foot bicycle trail is provided. Due to the pinch point at this portion of the Site, the proposed widths are the widest dimensions that can be achieved while staying within the property line along the river. As requested by Office of Planning, in order to maintain a minimum width of 8 feet for the pedestrian trail, the landscaped area has been reduced to 3 feet in certain locations. Overall, the portion of the Riverwalk that is less than the 10'-5'-10' dimension amounts to approximately 16.8% of the total length of the Riverwalk (linear feet) that the Applicant proposes to construct.

As shown on the updated Riverwalk sections (Sheet 47 of Exhibit D), the trail materials include flexipave surfacing for the at-grade bicycle trail closest to the building and wood decking for the pedestrian trail closest to the river. The trail closest to the river will be constructed using piles, which will be able to accommodate a widened and cantilevered trail system.

The Applicant notes that the design details and materials for the overall Riverwalk trail are in the conceptual phase and are currently being reviewed generally by OP, DDOT, and DOEE. More formal plans for the project's portion of the Riverwalk will be submitted and reviewed during the permitting phase of development.

5. DDOT Conditions

DDOT's report indicates no objection to the requested PUD with the following conditions:

A. Provide a more robust TDM plan, with the following elements:

- i. Provide a TransitScreen or similar device displaying real-time transportation schedules;
- ii. Provide an initial one-year Capital Bikeshare annual membership to all residents; and
- iii. Provide a Capital Bikeshare station, including full cost of installation and the first year of operations and maintenance.

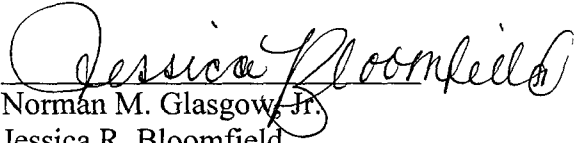
- B. Construct a sidewalk along at least one side of Half Street, between T Street and S Street, preferably the east;
- C. Design and construct an approximately 200 foot cycle track to be separated from the street between the Riverwalk and Water Street along T Street; and
- D. Design and install appropriate pavement parking and signage for both blocks of Water Street to ensure safe operations, with a curb extension and striping at the T Street intersection designed as needed to ensure roadway widths on each block match.

The Applicant has agreed to each of DDOT's conditions, including all three TDM conditions. As a result of agreeing to construct a sidewalk along the east side of Half Street, SW, between T and S Streets, SW (*see* B, above), the Applicant has revised the extent of its public space and road improvements, as shown on the revised Site Plan Diagrams and Public Road Improvements (Sheets 38-40 of Exhibit D, which replace Sheets 38-40 previously submitted to the record at Exhibit 15A).

Thank you for your consideration of these materials. We look forward to presenting the project in more detail at the public hearing on June 9, 2016.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Norman M. Glasgow, Jr.
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Enclosures

- cc: Joel Lawson, D.C. Office of Planning (w enclosures, Via Hand Delivery)
Jennifer Steingasser, D.C. Office of Planning (w enclosures, Via Hand Delivery)
Elisa Vitale, D.C. Office of Planning (w enclosures, Via Hand Delivery)
Ryan Westrom, District Department of Transportation (w enclosures, Via Hand Delivery)
Advisory Neighborhood Commission 6D (w enclosures, Via Hand Delivery)
Roger Moffatt, SMD Commissioner 6D05 (w enclosures, Via Hand Delivery)