

June 20, 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 Chart of Conditions for Order

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 the draft conditions that are both specific and enforceable. Below is a chart of the proffered amenities and proposed conditions related to the project (the “**Project**”).

<u>Proffer</u>	<u>Proposed Condition</u>
<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,	A1. The Project shall be developed in accordance with the architectural plans and drawings submitted on June 17, 2015 (Exhibit 3A), as modified by the plans and drawings submitted on February 29, 2016 (Exhibit 11I), as modified by the plans and drawings submitted on April 22, 2016 (Exhibit 23A), as modified by the plans and

<p>hardscape improvements, and visually-appealing landscaping features, increasing the porosity of the neighborhood, and committing to sustainable design features.</p>	<p>drawings submitted on May 10, 2016 (Exhibit 32A), as modified by the plans and drawings submitted on June 2, 2016 (Exhibit 45A), and as modified by the plans and drawings submitted on June __, 2016 (Exhibit __ <i>[Post-6/13 submission, if any]</i>), and as modified by the guidelines, conditions, and standards herein (collectively, the "Plans").</p> <p>A2. The Project shall include a mixed use building comprised 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 comprised 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 Property shall be rezoned from the M Zone District to the CR Zone District. Pursuant to 11 DCMR § 3028.9, the change 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 and described in the record.</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</p>	<p>A1. <i>(Repeated from above)</i> The Project shall be developed in accordance with the architectural plans and drawings submitted on June 17, 2015 (Exhibit 3A), as modified by the plans and drawings submitted on</p>

<p>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>February 29, 2016 (Exhibit 11I), as modified by the plans and drawings submitted on April 22, 2016 (Exhibit 23A), as modified by the plans and drawings submitted on May 10, 2016 2016 (Exhibit 32A), as modified by the plans and drawings submitted on June 2, 2016 (Exhibit 45A), and as modified by the plans and drawings submitted on June __, 2016 (Exhibit __ <i>[Post-6/13 submission, if any]</i>), and as modified by the guidelines, conditions, and standards herein (collectively, the "Plans").</p> <p>A2. <i>(Repeated from above)</i> The Project shall include a mixed use building comprised 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 comprised 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><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 construct a Promenade as shown on 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. <u>Prior to the issuance of the first Certificate of Occupancy for the structures on the West Parcel or the structures on the East Parcel,</u> the Applicant shall demonstrate that it has:</p> <ul style="list-style-type: none"> a. designed and constructed the relevant structures on the East or West Parcels to Silver certification or higher under the LEED NC v.

	<p>2009 rating system with a minimum of 55-56 points, and</p> <p>b. designed a minimum of approximately 5,000 square feet of solar panels on the entirety of the Project.</p>
<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 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.</p>	<p>B1. The affordable housing component of the PUD shall be 8% of the residential gross floor area of the PUD. <u>Prior to the issuance of the first Certificate of Occupancy for the structures on the West Parcel or the structures on the East Parcel</u>, 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 relevant East Parcel structures or the relevant West Parcel structures as affordable housing.</p> <p>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).</p> <p>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.</p> <p>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 3 and 4 Exhibit 45A and Exhibit _____ [Post-proposed action submission, IZ distribution plan]. Furthermore, within each floor, the Applicant shall not</p>

	<p>concentrate such units in any one tier or section of the Project.</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 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>Community Meeting Space</u> – The Applicant will provide, at no cost and for the life of the Project, ANC 5E and the Eckington Citizens Association access a community meeting room comprising a total of approximately 1,200 gross square feet.</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 Project</u>, 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</p>

	<p>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). Any excess from such \$20,000 allocation shall be donated to the nonprofits selected by the Eckington Citizens Association.</p>	<p>B5. <u>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 (subject to approval by DDOT). 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 work with the community to 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 11E to achieve the goal of utilizing District of Columbia residents for at least 51% of the new construction jobs created</p>	<p>B7. <u>Prior to the issuance of the first Certificate of Occupancy for the Project,</u> the Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”) in the form submitted into the record as Exhibit 11E to achieve the goal of utilizing District of Columbia residents for at</p>

<p>by the Project or will enter into a similar employment assistance agreement or arrangement with a local nonprofit or community collaborative beneficial to the District or, more specifically, the Brentwood, Eckington or another nearby community.</p>	<p>least 51% of the new construction jobs created by the Project or will enter into a similar employment assistance agreement or arrangement with a local nonprofit or community collaborative beneficial to the District or, more specifically, the Brentwood, Eckington or another nearby community.</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><u>B8. 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 a 2,000 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 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><u>B9. 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. 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><u>B10. 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.</p>
<p><u>Maker Space Financial Assistance</u> – The Applicant will subsidize or provide a reduction in rent (or otherwise financially</p>	<p><u>B11. Prior to the issuance of the first commercial Certificate of Occupancy for the Western Parcel,</u> the Applicant shall</p>

<p>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 initial lease up of such space, for a minimum of 10,000 gross square feet.</p>	<p>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 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.</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>B12. <u>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><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 \$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 shall 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><u>Effective and Safe Vehicular and Pedestrian Access and Transportation Management Measures,</u> including bicycle parking and financial incentives</p>	<p>C2. <u>For the life of the Project,</u> the Applicant shall provide the following transportation demand management (“TDM”) measures:</p>

<p>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>	<ul 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 parking within a quarter-mile of the site on a weekday.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
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	<p>the lobbies of the four (4) residential component structures, containing information related to local transportation alternatives.</p> <ul style="list-style-type: none"> 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 (total cost currently \$88,000) or other nearby area subject to DDOT/public space and, if necessary, BID approval. 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><u>Loading</u> and continued coordination with DDOT.</p>	<p>C3. The Applicant shall provide loading facilities as shown on the Plans. The Applicant shall undertake loading in accordance with the Promenade</p>

Z.C. Case No. 15-15 – 1611-1625 Eckington Place and 1500 Harry Thomas Way, NE
June 20, 2016

	Management Plan submitted into the record as Exhibit 45B.
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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.

Respectfully submitted,



Jeffrey C. Utz

Certificate of Service

I certify that on June 20, 2016, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

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