

February 29, 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”) – Pre-Hearing Submission of the Applicant

Dear Chairman Hood and Commissioners:

Pursuant to 11 DCMR Section 3013.1, JBG/Boundary 1500 Harry Thomas Way, L.L.C. and JBG/Boundary Eckington Place, L.L.C. (collectively, the “**Applicant**”), the applicants in Zoning Commission Case No. 15-15, hereby file a pre-hearing submission for their application for a consolidated Planned Unit Development and related Zoning Map amendment. The Applicant hereby requests to be scheduled for a hearing before the Zoning Commission at the earliest opportunity.

I. Background

The Property consists of Lots 814 and 2001-2008 (also known as Lot 805), Square 3576. The property that is the subject of this application is in the Northeast quadrant of the District of Columbia between Eckington Place, NE and Harry Thomas Way, NE. The property currently contains surface parking lots and one and two story commercial buildings.

The Property consists of approximately 135,099 square feet of land area and is zoned M. The M Zone District permits a maximum height of 90 feet and a maximum

floor area ratio (“**FAR**”) of 6.0. The related Map Amendment proposes to rezone the site from the M Zone District to the CR Zone District.

On June 17, 2015, the Applicant filed an application for a consolidated planned unit development and related map amendment to permit the redevelopment of the Property. The Applicant proposes to construct mixed-use building comprised of four connected structures containing residential units, ground floor commercial uses, and underground parking (the “**Project**”). Three of the structures will be constructed to a height of approximately 75 feet and one of the structures will be constructed to a height of up to approximately 102 feet¹. The project will contain up to approximately 707,000 gross square feet (“**GSF**”), which is equivalent to an FAR of up to approximately 5.2. More specifically, the Project will provide approximately 695 residential units and up to approximately 77,200 GSF of maker and innovative retail and service uses. The building will occupy approximately 80% of the lot. The underground parking area will accommodate approximately 331 car parking spaces and at least 237 permanent bike parking spaces.

II. Setdown Meeting and Responses to the Zoning Commission

The Zoning Commission set the above-referenced application down for a public hearing at its public meeting on November 23, 2015. At the setdown meeting, the Commission requested clarification on certain items, which the Applicant has addressed in the responses below.

A. Building Design

At setdown, the Commission discussed the proposed design of the Project and requested modification and continued refinement. In response to such comments, please find the Applicant’s updated Project plans, renderings, views, and drawings package enclosed as Exhibit I (collectively, the “**Plans**”, enclosed as a separate appendix for ease of review). As shown throughout the Plans, the Applicant integrated the Zoning Commission’s (and Office of Planning’s) comments and requests for additional information.

Specifically, at setdown, the Commission requested that the Applicant refine the Project’s architectural treatments. In particular, the Commission recommended the

¹ The building height of the Northwest Building of the Project has been lowered from 110 feet to 102 feet in response to Zoning Commission and Office of Planning comments.

reduction in the number of styles and materials utilized. The Applicant incorporated these comments to reduce the number of materials and styles employed on the Project's exterior. As shown on Page A2.01, A2.04, A2.09, and A2.10 of the Plans, the Applicant simplified the number of materials and styles while still allowing the Project to celebrate the unique, dynamic industrial past of this location and express a new energy at the site. The Project now includes a reduced number of treatments along the Eckington Place and Harry Thomas Way façades. Simplifying the facades' materials palette allowed the Project to be more cohesive and legible. The refined materials palate and locations of such materials are shown on Pages A5.01 to A5.08 of the Plans. More specifically, the Applicant made the following adjustments to the facades:

- For the Project's northwest structure (the "Northwest Structure") – The Applicant reduced the amount of material variations. The 5-story precast concrete element is now consistent (rather than interrupted by elements of steel and glass), and the variations in the window/wall ratio have been consolidated. The building was lowered by approximately eight (8) feet to more suitably blend with surrounding properties.
- For the Project's southwest structure (the "Southwest Structure") – The Applicant lowered the architectural steel grid feature on Eckington Place by one story. This helps the building "step down" the slope of Eckington Place and is more sympathetic to the adjoining Gale massing. The Applicant greatly consolidated the amount of exterior materials on this structure in particular. For example, the Applicant reduced the number of shades of dark brick and metal panel colors.
- For the Project's northeast structure (the "Northeast Structure") and southeast structure (the "Southeast Structure") – The Applicant significantly scaled back the wood shades and louvers on the south and west facades. Mullions were added to decrease the widths of windows and help provide more façade consistency and a clearer scale hierarchy. Other minor facade features have been removed for overall simplification of these facades. The resulting façade will harmonize with the new NoMA Business Improvement park.

Similarly, the Commission requested that the bridges linking the upper floors of the north and south Eckington buildings be refined and integrated. As shown on Pages A2.01, A2.03, A2.05, and A3.01 of the Plans, the bridges have been modified to utilize materials similar to those used on the facades to which they are affixed. Rather than being designed as stand-alone embellishments standing out from the facades, the bridges complement and anchor the adjacent design concepts. In addition, inconsistencies relating to the bridges have been removed.

B. Additional Renderings, Views, Drawings and Plans

At setdown, the Zoning Commission requested additional exhibits providing further illustrations of the Project. The Office of Planning also requested such information.

Renderings, Studies, and Views

One such item requested by the Zoning Commission was the inclusion of additional, enhanced renderings of the Project. Several additional, improved renderings are included as Pages A2.01-A2.06, A2.09, and A2.10 of the Plans. These renderings provide a more realistic three-dimensional view of the Project and indicate the exemplary architecture employed throughout. They also provide a holistic view of the upgrade and simplification to the Project's materials and styles which result in a more cohesive design.

The Commission also requested more views of the Project, including more realistic three dimensional presentations of various vantage points of the Project. As requested, the views also show the Project from three different perspectives – a street view, a building view, and a roof view. Similarly, several pages of the Plans demonstrate the extent of the proposed building when taken from distant vantage points, as requested. Page A1.19 of the Plans demonstrates the extent of the proposed building when viewed from nearby McKinley Tech. Page A1.20 demonstrates the extent of the proposed building from the New York Avenue Bridge. Page A1.21 shows three different distant views with massing shown relevant to the current and possible future massing surrounding the Property. For the sake of comparison, Page A1.22 shows what a matter of right, 90 foot and 6.0 FAR building would look like on the Property in the same contextual studies.

These images also provide visual analysis of the Project's 102 foot element in context. As can be seen on Pages A1.19 and A1.21, such component is located at a portion of the Property and in relation to its neighbors in a way that minimizes visual impacts and shadows on such neighbors. Further, we note that the height of the component has also been lowered by eight (8) feet from the originally-proposed 110 foot building height.

Analysis of Courts, Promenade and North and South Property Line Conditions

The Commission requested further study of the Project's south edge along The Gale property and the Project's north edge along the CubeSmart property. Pages detailing such conditions globally and blow up segments giving greater detail of these inter-building spaces are enclosed as Pages A2.07, A2.08, A2.11 and A2.12 of the Plans. These inter-building spaces have been designed to allow for all adjacent residential units to have access to significant light and air, while also providing for a more efficient use of the Property. Special attention is also being paid to articulating the facades within these shared lot line and court areas to allow for enhanced visual interest and to enliven such spaces.

In order to provide more detail regarding the Project's impact on the north façade of The Gale project, a page detailing The Gale's floor plan is included as Exhibit A. This exhibit demonstrates that the residential units along the northern edge of The Gale are oriented towards the large courts provided on The Gale property. Similarly, for comparative purposes, attached as Exhibit B, floor plans showing the layouts of the suites in the Southeast Building proposed for the Property indicate that these units are oriented towards the promenade at the middle of the site. While the units for the three other Project structures have not yet been designed with the same level of specificity as the Southeast Structure units, it is anticipated that these units will also be primarily courtyard-oriented units.

As shown on Page A4.02 of the Plans, additional courts have been provided on the Property adjacent to the courts along the property line with The Gale. These neighboring courts together provide significant open area to benefit abutting units. Similar design solutions including the use of additional courts, terracing and unenclosed walkways allow for the increase of light and air along the additional shared property lines with The Gale and CubeSmart properties.

In designing the Project, the Applicant studied different open space approaches for the site. Through the Applicant's discussions with the community, creating increased porosity at the site has been a foremost consideration. Ultimately, the Applicant believed that the community's desire for increase connectivity allowed for the integration of the historic street grid at the ground plane. Specifically, the combination of the two lots comprising the Property afforded a unique opportunity to create the continuation of "Quincy Place" through the Property. In doing so, the large block created by the unique street and railroad track configuration was made more porous.

The provision of the promenade essentially allows for the production of a very large internal court, in the form of a pedestrian-focused accessway, that allows for both a significant amount of open space within the Project, an attractive public space at the

ground floor lined with maker and innovative retail uses, an urban design reflective of the block to the west and the Q Street extension to the south (on The Gale site), and more porosity of the site. The promenade configuration also allows the massing of the Project to be broken up and the resulting forms to more closely reflect the surrounding development patterns. Another important benefit of the “promenade approach” is that it creates more public-use opportunities for the interior of a large block that would otherwise be landlocked. The Applicant believes that this space will be a highly regarded space by neighbors and the District at large, particularly as it will assist in allowing creative retail and commercial concepts. Along those lines, the promenade space also allows a flexible space for evolving programming for public and related events. Further, as discussed above, the residential units of the adjacent property to the south (The Gale apartments) are internally-oriented (on the east), and courtyard-oriented (on the west). Likewise, the warehouse to the north is built to the property line, with no windows facing south.

The Applicant also notes that, over the course of numerous meetings with the property owners and residents to the immediate north of the Property, it has reduced the Project’s massing facing the R Street residences, as shown on Pages A2.10, A2.11, A3.11, A3.13, A3.17 and A3.18 of the Plans. As part of such reduction, the Applicant has introduced significant sculpting to the Northeast Structure – including three large setbacks and the related reduction in the extent of gross floor area from the plan filed with the application. In fact, the gross floor area of the Project was reduced by approximately 5,000 gross square feet in this location as the result of such setbacks.

The Applicant will further supplement the record with additional refined plans no less than 20 days prior to the hearing.

C. Roof Plans and Analysis

At setdown, the Commission requested additional clarity on the Applicant’s proposed roof plans.

Renderings and views depicting the proposed roofs structures are attached as Pages A2.11 and A2.12 of the Plans. Elevations depicting the proposed roof structures are attached as Pages A3.01 to A3.07 and A3.11 to A3.18 of the Plans. Additional section views showing the proposed roof structures are attached as Pages A3.08 to A3.10 of the Plans.

The Applicant has focused a great deal of attention on the activation and use of the Project’s roof planes. In addition to weaving green area and sustainable design features throughout these areas, the Applicant designed such spaces to encourage use by residents and guests. As can be seen by a review of Pages A2.02, A2.03, A2.11, A2.12,

A4.02, and L2.01 to L2.12 of the Plans, these areas will feature lush plantings and greenery intended to integrate the industrial aesthetic. In total, approximately 39,518 square feet of roof area is a green roof and contains more than two (2) inches of growth medium.

As requested by the Commission, the programming of the roof areas has been simplified. The number of roof structures proposed by the Project has been reduced. For example, previously five (5) roof structures and exposed equipment were proposed on the Southwest Structure. As shown on Page A3.04 of the Plans, only three (3) roof structures are proposed on such structure in the revised roof plan (along with screening for all equipment).

The Applicant also reduced the number of the condenser units and the visibility of this equipment previously proposed by the Project. The amount of condensers has been consolidated while also screening such equipment from view. Pages showing such condition are attached as Pages A2.02, A2.07, and A2.08 of the Plans.

The Applicant is also providing further information regarding the setbacks of the roof structures on Pages A3.01 to A3.18, A4.02, and A4.17 to A4.19 of the Plans. A roof plan diagram is now included as Page A4.20 of the Plans.

We note that the Applicant has revised the roof structure proposed for the Northeast Structure. This roof structure has been revised due to the implementation of Z.C. Order No. 14-13 revising Zoning Regulations regulating roof structures. This structure is shown on Pages A3.08, A3.09, A4.19 and A4.20 of the Plans. In total approximately five (5) residential units are proposed for such roof structure space. The Applicant requests flexibility under Section 411.11 from the uniform height requirements of Section 411.8 due to the terraced nature of the roof structure units since both of such levels contain habitable space.

D. Phasing

At setdown, the Zoning Commission requested additional information regarding the proposed phasing for the Project.

A phasing plan has been included as Page A4.21 of the Plans. This page shows that the Applicant is viewing the Project as two components that exist together and as part of the same building for zoning purposes. Phase A is located on the west portion of the Property and is comprised of the Northwest Structure and the Southwest Structure. Phase B is located on the east portion of the Property and is comprised of the Northeast Structure and the Southeast Structure.

Applicant's ideal base case for the Project is that both Phase A and Phase B will be constructed simultaneously. However, in order to respond to possible market conditions, Applicant requests the flexibility to allow for the construction of either Phase A or Phase B as the first phase of the Project. The Applicant would submit a building permit application for its first selected phase within two (2) years of the effective date of the Order approving the application, if the application is granted. The Applicant requests up to five (5) years (after the issuance of the first Certificate of Occupancy for the first phase of the Project elected by Applicant) to submit the building permit application for the second phase of the Project.

The Applicant anticipates that construction of each of the first and second phases of the Project will take approximately eighteen (18) months once commenced.

E. Public Benefits and Project Amenities Enhancements and Clarifications

At setdown, the Commission requested that the Applicant provide further information regarding the Project's benefits and amenities. The Office of Planning also requested such information in its setdown report.

The Applicant has greatly enhanced its benefits and amenities package from that submitted as part of the original application. As the result of a high degree of coordination and discussion with the local community and the requests of the Zoning Commission and the Office of Planning, the Applicant has created a benefits and amenities package that will be valuable to a broad spectrum of people and interests. The Applicant notes that the benefits and amenities package is a significant value in light of the amount of density (6.0 FAR matter of right; 5.2 FAR proposed) and height (90 feet matter of right; 75 feet and 102 feet proposed) gained and flexibility approved by the Project.

Affordable Housing

As requested by the Commission (and the Office of Planning), the Applicant reviewed additional concepts to provide more or greater amounts of affordable residential at the project. As part of the application submission, the Applicant provided a proposed offering for affordable housing based on final affordability levels being provided by PUDs recently approved by the Zoning Commission. The Applicant will provide 8% of the overall residential component (or approximately 54 residential units, or approximately 50,379 gross square feet) as affordable housing. Of such affordable residential component, the Applicant will provide 80% (or approximately 44 residential units, or approximately 40,304 gross square feet) as affordable space at 80% of the Washington DC Area Median Income ("AMI") and 20% (or approximately 10 residential units, or approximately 10,075 gross square feet) as affordable space at 50% AMI. In

addition to the above, in compliance with the new roof structure regulations, the Applicant will provide 8% of the applicable habitable space in the roof structure, or approximately 1,259 gross square feet, as affordable space at 50% AMI. These affordable units will be distributed throughout the floors (other than the Project's structures' top two floors and the penthouse) on a pro rata basis based on the size of each floor and evenly across the Project's unit types. Further details regarding specifics of affordable housing locations within the Project will be provided prior to the hearing.

The Applicant also notes that the Project is providing an essential and uncommon housing type that is of significant benefit to the District and the local community. The Project includes approximately 28% of its units as 2 bedrooms units, 4% of its units as 3 bedroom units, and 11% of its units as multi-level units, all well suited for families. The intent is to welcome a wide array of residents from all over the District to the Project.

Updates to Benefits and Amenities Package

As part of the requested review of the benefits and amenities package, the Applicant has significantly augmented the provision of the additional benefits and amenities that will enhance the community and achieve the goals of the Ward 5 Works Study. Perhaps most importantly, the Applicant is developing a Maker Shop and Innovative Retail Spaces Strategy, attached as Exhibit C, which will help shape the Project as a vibrant, unique commercial center while also acting as a pioneering, incubating harbor where nascent businesses and concepts can begin, grow, and thrive. Specifically, the Applicant will subsidize the maker spaces within the commercial areas on the ground floor (and related mezzanine) with a minimum of a \$10 credit per square foot (below then-current market rents) for five (5) years after the issuance of the Certificate of Occupancy for such commercial space. Therefore, if the approximately 51,500 gross square feet of commercial space proposed for the first floor is to be utilized by maker spaces, the Applicant will forgo approximately \$515,000 ($\$10 \times 51,500$ gross square feet) in rent per year and \$2,575,000 in rent for the five year period. Similarly, if the entirety of the approximately 77,200 gross square feet of ground floor and mezzanine space is to be utilized by maker spaces, the Applicant will forgo approximately \$712,000 ($\$10 \times 71,200$ gross square feet) in rent per year and \$3,560,000 in rent for the five year period. The Applicant will work with the Office of Planning to propose a mechanism for valuing market rent at the time of the issuance of the Certificate of Occupancy for the commercial space. In addition, as noted in the Maker Shop and Innovative Retail Spaces Strategy, the Applicant will target individuals and small businesses located within Ward 5 to join its commercial space, in an attempt to foster such local growth.

In addition to the significant maker and innovative retail assistance described above, additional benefits and amenities have been added to the Project since the

application submission to comprise a robust, neighborhood-enhancing package for the Eckington community:

- **Contribution of \$25,000 to NoMA Park** – The Applicant has committed to contribute \$25,000 to the design and implementation of the newly-acquired NoMA Park on Harry Thomas Way NE. The Applicant is working with the NoMA BID and community to determine the specific project or program that these funds will be allocated towards.
- **BikeShare Station** – The Applicant will fund the purchase and installation of a BikeShare docking station of at least standard size within a quarter mile radius of the Property, subject to the review and approval of such proposal through the public space permitting process. The Applicant will work with the NoMA Business Improvement District staff, DDOT, and the Capital BikeShare program to design and locate such Capital BikeShare docking station. The first such option will be to place a new Capital BikeShare docking station within the new NoMA park, across Harry Thomas Way from the Property. If that docking station is not planned, the Applicant will upsize the existing BikeShare docking station located on the southwest corner of the Q Street and Eckington Place, NE intersection to an installation that meets the current demand.
- **Public Art** – The Applicant will purchase and install a piece of public art in the public space at the entrance of the promenade along Eckington Place. The Applicant will work with DDOT and the community to determine the ideal location 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 (as “Focal Feature”) on Page L1.02 of the Plans.
- **Northeast Public Alley** – The Applicant will repave the public alley located at the northeast of the Property in accordance with, and subject to, all DDOT approvals. Such alley work will occur during the time period after the completion of the construction work at the northwest corner of the Property and prior to the issuance of the first Certificate of Occupancy related to the Northeast Structure.
- **Car Share Spaces** – The Applicant has committed to provide no less than two (2) car share spaces on the Property, subject to the demand of car share companies to locate such spaces on the Property. The Applicant will work to locate such car share spaces within the parking garage on the Property as a primary option, and then on the Property but exterior to the parking garage as a second option.
- **First Source Employment Agreement** – As discussed below, the Applicant will enter into a First Source Employment Agreement in the form attached as Exhibit E.

In addition, the Applicant is still actively involved in discussions with PEPCO and the NoMA BID regarding the location and specifics of the nearby Metropolitan Branch Trail connection as part of the Project’s benefits and amenities package. These

additional specifics regarding the connection will be supplied as soon as available. One primary driver of the location of the connector is the determination by PEPCO, NoMA and other stakeholders regarding the final configuration of the adjacent NoMA park. The Applicant still desires to bring this connector to reality as it takes the neighborhood closer towards greater connectivity to its surroundings and allows for greater porosity within Eckington itself.

The Applicant's additional elements of the public benefits and project amenities described in its application remain. For example, the promenade as an extension of Quincy Place is a signature public benefit that directly responds to community requests and facilitates visual and physical connections through the neighborhood. Other benefits and amenities include exemplary architecture and design, site planning and economic and efficient land utilization, public space improvements, street-activating and place-making maker and innovative retail uses, and transportation demand management measures.

Additionally, the Applicant will continue to work with Advisory Neighborhood Commission ("ANC") 5E, the Eckington Citizens Association, the community, and OP to further refine additional details of its benefits and amenities package. In addition, the Applicant is working to enter into a community benefits agreement and a construction management agreement with the Eckington Citizens Association.

The Applicant will provide additional information regarding the benefits and amenities to the Commission prior to and at the hearing.

F. LEED and Sustainable Design

The Commission (and Office of Planning) also requested that the Applicant review the proposed sustainability approach of the Project and achieve a greater amount of LEED points. As stated in the application, the Applicant proposes to achieve a LEED Silver level for the Project. The Applicant has retained a LEED specialist to assess the Project's sustainability approach and identify any areas to increase the number of LEED points able to be obtained. In addition, the Applicant has requested that its general contractor study the LEED level of the Project and identify additional opportunities for LEED points. Ultimately, in order to achieve LEED Gold, the Project would most likely require additional energy points. However, since the vast majority of the Project is constructed of wood framing, the associated energy systems are not of the same energy efficiency as they would be in a centralized system. In addition, the LEED Gold level is more difficult to achieve given the multi-family approach to the Project. Despite these design challenges, the Applicant has sought a more holistic sustainability approach to the Project to go beyond only offering LEED Silver, including implementing elements of Smart Growth and Biophilic Design, as evidenced by the summary provided as Exhibit D attached hereto.

G. Employment and Training Opportunities

As requested by the Zoning Commission (and Office of Planning) The Applicant will enter into a First Source Agreement in the form attached as Exhibit E with the District of Columbia Department of Employment Services for the Project.

H. Design Guidelines for Commercial Signage and Storefronts

At setdown, the Commission requested that the Applicant provide further information regarding the Project's proposed design guidelines for commercial signage and storefronts. The Applicant requested flexibility to design the commercial facades in accordance with tenant and market requirements. Attached as Exhibit F, the Applicant has submitted its commercial tenant design guidelines to provide parameters for the design of such commercial facades.

III. Additional Information

A. Coordination with The Gale

In an effort to include comments made by community members and to more efficiently plan the site, the Applicant is working to coordinate several elements between the Project and the neighboring Gale property, including loading, a parking entrance from Q Street, and a connective pedestrian alley, as described below. The Applicant notes that while The Gale is owned by an organization related to The JBG Companies, the JBG Companies no longer controls the entity. The Gale is managed by The JBG Companies, but final approval for concepts affecting the property, including the shared concepts described below, is subject to third party review rights. Such third party approval is still in process. Therefore, the Applicant is submitting this pre-hearing statement with the proposed shared loading, parking entrance, and north/south pedestrian alley in the alternative. These "shared" concepts enumerated below are the desired approaches to each of the concepts, but if agreement with The Gale owner is not possible or if an element is not approved by The Gale owner, the element related to the disapproval will revert to that element's original proposal.

i. Information regarding Loading Sharing

In response to community feedback regarding reviewing the loading program at the Project, the Applicant has been investigating methods to increase the efficiency of the Project's loading and reduce the effect that loading might have on neighbors. As part of such effort, the Applicant has designed a shared loading solution with The Gale at the south of the Property. Such shared loading solution is shown on Pages A1.09 to A1.12 of the Plans.

Specifically, the Project is proposing to share the loading facilities at the northwest of The Gale property along Eckington Place, and at the northeast of The Gale property along Harry Thomas Way. The Applicant proposes to construct an enclosed connection between the Project and The Gale that would allow for the seamless usage of The Gale loading facilities along Eckington Place. Only a small covered but unenclosed connection will be constructed between the Project and The Gale for the usage of The Gale loading facilities along Harry Thomas Way, as shown on Pages A1.09 and A1.12.

As noted above, the Applicant is submitting this pre-hearing statement with the proposed shared loading in the alternative. The Applicant's preferred option is to design the shared loading as shown on Pages A1.09 to A1.12 of the Plans. If the shared loading concept is not approved by The Gale owner, the loading will revert to the loading previously proposed.

ii. North/South Pedestrian Alley

As part of the response to community ideas regarding improving the Project's connectivity to the neighborhood, the Applicant is proposing to connect the Project's promenade to R Street, midblock through The Gale complex. Such connection would allow for greater porosity and help to break down the large blocks that typify the area. The Applicant intends to bring a high level of design and attention to such pedestrian cut through in particular by surrounding it with the maker or innovative retail uses described herein. Such connection is shown on Pages A4.01 and A4.05 of the Plans. If the north/south connective pedestrian alley is not approved by The Gale owner, the north/south pedestrian alley element will be removed from the Project.

iii. Parking Access from The Gale

The Applicant has also designed the primary access point to the western portion of the Project's parking garage from Q Street within The Gale property. Such approach allows for the reduction in curb cuts at the Project and increases the efficiency of the ramping solution beneath the Project. Such updated garage access point is shown on Pages A4.02 and A4.03 of the Plans. A picture of The Gale's Q Street curb cut that would be the combined parking entry is shown on Page A4.07 of the Plans. If the combined parking access from Q Street is not approved by The Gale owner, the parking entrance for the western portion of the Project will revert to the Eckington Place location.

iv. Minor Modification to the Gale PUD Order (ZC Order No. 05-23A)

If the above-referenced arrangement is approved by the owner of The Gale, the Applicant and The Gale owner will submit an application to modify The Gale project in order to allow for the modifications to the designs approved by ZC Order No. 05-23A. The Applicant and The Gale owner will detail the implications of such changes in the

application for such modification. Altogether, the addition of the building connection will only increase the gross floor area on The Gale property by approximately 360 gross square feet (or 0.0019 FAR). The resulting total FAR would be increased to approximately 3.019 (which will still be under the maximum FAR permitted by Order No. 05-23A, 3.3 FAR). The lot occupancy on The Gale property will increase by 0.19% to 55.69% (which will still be under the maximum lot occupancy permitted by Order No. 05-23A, 63%). These calculations, and the extent of the proposed modifications, are shown on Page A1.09 of the Plans.

B. Removal of Storage Space

The Applicant has removed the below-grade self-storage use component of the Project proposed in the application. As a result, requested flexibility from Section 611 of the Zoning Regulations has been removed from this application. Such area will be unexcavated.

C. Inclusion of Optional Mezzanine Space

As mentioned above, the Applicant added the concept of additional, optional mezzanine space to be provided above the ground floor commercial use, if desired by the market. This new mezzanine space would exist above portions of the first floor maker or innovative retail spaces and open onto such spaces, as shown in section on Pages A3.06 to A3.09 and in plan on Pages A4.05 and A4.09 of the Plans. This mezzanine space is intended to serve as additional maker or retail space, or possibly the “back of house” or office space for the maker space below. Principles learned while modeling the commercial / maker space in the Project led to the discovery that mezzanine space often plays an essential role in maker and innovative retail space. Therefore, the Applicant hopes to integrate such concept into the Project. The addition of all of such mezzanine space would increase the gross floor area of the Project by approximately 25,716 gross square feet (raising the project’s total FAR to a maximum of approximately 5.2 from 5.0), as shown on Page A1.02 of the Plans.

D. Flexibility Requests

In order to accommodate the enhancements to the Project described above, the Applicant will require four (4) additional areas of flexibility approval. The Applicant notes that it is removing two (2) areas of flexibility previously requested, as described below.

Sections 411.8 and 411.11

As noted above, the Applicant has revised the roof structure proposed for the Northeast Structure due to the recent revisions to the Zoning Regulations regulating roof structures. This new roof structure is shown on Pages A3.08, A3.09, A4.19 and A4.20 of

the Plans. The Applicant requests flexibility under Section 411.11 from the uniform height requirements of Section 411.8 due to the terraced nature of the roof structure units since both of such penthouse levels contain habitable space.

Section 610

The light-industrial, processing, fabricating or other similar uses potentially to be located in the maker and innovative retail space require that the Applicant now include a request for Section 610 flexibility. Section 610 provides for a special exception in the CR Zone for light manufacturing, processing, fabricating, or milling. The Project intent will be to establish a unique, thriving ecosystem of innovation and creation that might include such uses. As described elsewhere in this submission, the uses adopted for the maker and innovative retail space will be compatible and complementary to the other uses on site.

Section 2201.1

As detailed on Page A1.01 of the Plans, the Project requires relief from the loading requirements of Section 2201.1 of the Zoning Regulations.

Assuming a retail use of (at most) between 30,000 gross square feet and 77,200 gross square feet, one 30 foot loading berth, one 55 foot loading berth, one 20 foot loading space, one 100 square foot loading platform, and one 200 square foot loading platform would be required. Assuming a manufacturing use of (at most) more than 25,000 gross square feet, one 30 foot loading berth, one 55 foot loading berth, one 100 square foot loading platform, and one 200 square foot loading platform would be required. The residential component of the Project will require one 55 foot loading berth, one 20 foot loading space, and one 100 square foot loading platform. The total loading requirement will be: three (3) 55 foot loading berths, two (2) 30 foot loading berths, two (2) 20 foot loading spaces, three (3) 100 square foot loading platforms and two (2) 200 square foot loading platforms.

The Project (without The Gale property) will provide no 55 foot loading berths, one (1) 30 foot loading berth, two (2) 20 foot loading spaces, one (1) 100 square foot loading platform, and two (2) 200 square foot loading platforms. Significant loading area will also be provided in the promenade.

If the shared loading solution described above is instituted by the Applicant, the Applicant will have access to an additional two (2) 55 foot loading berths, one (1) 30 foot loading berth, one (1) 20 foot loading space, and one (1) 100 square foot loading platforms.

Section 2115.2

Finally, the Applicant is requesting flexibility from Section 2115.2, which requires that a maximum of 40% of parking spaces be designated for compact cars. The Applicant proposes to designate approximately 45.6% of its parking spaces (or approximately 151 of 331) as compact spaces. Such compact space distribution resulted in a more efficient parking garage layout.

Removal of Flexibility Requests

The Applicant notes that it has removed two (2) elements of flexibility it requested in the application. First, the requested flexibility from the 80% lot occupancy under Section 634.1 and 2604.2 has been removed. The Project will be constructed to a maximum of 80% for the residential floors. Second, the requested flexibility requested for self-storage to be located on the Property under Section 611 has been removed. As mentioned above, the Project will no longer include the below grade self-storage concept.

IV. Working with Community

The Applicant has met extensively with the community to date regarding the Project and will continue to do so. The Applicant has been engaged with the Eckington Citizens Association. The Applicant has also been engaged with the group of condo and home owners from the 200 block of R Street, just north of the site, and has formed a working group with interested representative owners. In fact, several updates to the Project, including reducing the degree of loading occurring from the northern alley, the concept of combining loading with The Gale, and stepping back the massing along the north east alley, have resulted from such meetings. The Applicant initially went before the Advisory Neighborhood Commission 5E in November 2015 and is scheduled to return to the ANC in March. In addition, the development team held an open house for the community on September 14, 2015 at a nearby restaurant to further invite a dialogue about the project and to investigate any questions or concerns. The Applicant will continue to work with the community regarding the Project, including further discussion of the benefits and amenities package.

V. Resumes of Expert Witnesses

The Applicant looks forward to presenting the Project at the public hearing. At this time, the Applicant anticipates that its presentation will require 1 hour. At the public hearing, the Applicant intends to offer representatives of the Applicant as well as representatives of the architect, landscape architect, traffic consultant, civil engineer, and sustainability consultant as witnesses. The representatives of the architect, landscape architect, traffic consultant, civil engineer, and sustainability consultant will be proffered as experts in their respective fields. Resumes of the proffered experts are attached as Exhibit G. Outlines of witness testimony for the Applicant's team are attached as Exhibit H.

VI. Conclusion

As set forth above, the Applicant has met the requirements of Section 3013, and accordingly requests that a public hearing be scheduled as soon as possible. The development team looks forward to presenting this application to the Commission.

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

CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING REGULATIONS

The Applicant hereby certifies that this pre-hearing submission, which has been filed electronically with the Zoning Commission on February 29, 2016, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<u>Sub-Section</u>	<u>Page</u>
3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submissions Filed Herewith
3013.1(b) Witnesses	Pre-Hearing Submissions Filed Herewith (Exs. G & H)
3013.1(c) Summary of Testimony of Applicant's Witnesses and Reports for the Record	Pre-Hearing Submissions Filed Herewith (Ex. H)
3013.1(d) Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submissions Filed Herewith
3013.1(e) Reduced Plans	Pre-Hearing Submissions Filed Herewith; Updates to be Filed no Less Than 20 Days Prior to Hearing
3013.1(f) List of Publicly Available Maps, Plans, and Other Documents	Pre-Hearing Submissions Filed Herewith; Application (Exs. B & C)
3013.1(g) Estimated Time Required for Presentation of Applicant's Case	1 Hour
3013.6(a) List of Names and Addresses of All Property Owners within 200 Feet of the Subject Property	Application (Ex. F)


Respectfully submitted,



Jeffrey C. Utz

Certificate of Service

I certify that on March 1, 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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