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August 5, 2016

Advisory Neighborhood Commission 4A
7826 Eastern Avenue, NW
Washington, DC 20012

**Re: Z.C. Case No. 15-29
Consolidated PUD & Map Amendment @ Square 2960, Lot 17**

Dear Members of Advisory Neighborhood Commission 4A:

On behalf of Jemal's Gateway, L.L.C. (the "Applicant"), we would like to thank you for your continued support of the above-referenced case. Since the Zoning Commission hearing on June 16, 2016, the Applicant has continued to work with neighborhood residents and stakeholders, including ANC 4B, to finalize project details and to address outstanding concerns. On July 25, 2016, the Zoning Commission voted 5-0-0 to take proposed action to approve the project, and the Applicant anticipates receiving the Zoning Commission's final vote in support in September.

Based on the Applicant's further conversations with surrounding community residents, the Applicant has several updates to report:

1. Community Outreach. As the ANC is aware, the Applicant has engaged in extensive community outreach since 2013, as evidenced in the chronology of community meetings attached hereto as Exhibit A. In addition to the meetings listed in Exhibit A, the Applicant also (i) met with the immediately adjacent homeowners (residents of 1121 Kalmia Road, NW) on June 29, 2016, to discuss how the Applicant could reasonably address their concerns regarding the project, and (ii) spoke with the principal of Shepherd Park Elementary on July 28, 2016, to discuss the timing and potential uses of the Applicant's financial contribution to the school.

One of the primary issues that resulted from meetings with the community was a concern over the availability of on-street parking on Kalmia Road for existing homeowners. In response, the Applicant has offered each of the five existing homeowners on the north side of the 1100 block of Kalmia Road a free parking space within the proposed building, which was a suggestion generated by ANC 4A by letter dated June 8, 2016 (Exhibit 26).

In addition, the Applicant further notes that it has made a number of offers to the five existing homeowners on the north side of the 1100 block of Kalmia Road in exchange for permission to temporarily access a portion of each neighbor's

property during construction, including: (i) a financial payment or parking space within the Applicant's proposed building to mitigate their parking concerns; (ii) the Applicant will meet regularly with each neighbor to discuss progress of construction, the condition of each neighbor's property, and other related matters; (iii) the Applicant will indemnify and hold harmless each neighbor from any and all liabilities, damages, claims, causes of action, awards and penalties, costs and expenses for physical or injuries caused by construction; and the Applicant would pay or reimburse the homeowners up to \$4,000 for their legal fees in connection with negotiating agreements with the Applicant.

2. Negotiations with the immediately adjacent homeowners. The Applicant has made additional and specific offers to the residents of 1121 Kalmia Road, NW, which is immediately adjacent to the PUD site. These include: (i) paying them \$10,000 to grant us a temporary access license to construct a portion of a wall of the proposed building; (ii) paying them to \$50,000 select and hire a contractor to replace their windows; repair or replace their HVAC system; install Quietrock to reduce noise entering their home; and to make any other improvements they deem necessary to their home to ensure appropriate noise mitigations are in place during construction; (iii) paying them up to \$4,000 for legal fees in connection with negotiating these agreements; (iv) monitoring their property during and for a period after construction to determine if there is any damage caused by construction, and if so, to repair the damage; (v) indemnifying them from any and all liabilities caused by construction of the PUD; (vi) maintaining insurance during construction and adding them as additional insureds to the policy; and (vii) complying with all applicable construction and notice provisions regarding noise, trash, rodent control, and hours of construction.

To date, the immediately adjacent neighbors have indicated they are unwilling to enter into an agreement consistent with these terms. However, once the project is approved, the Applicant intends to proceed with development of the project in accordance with all applicable rules and regulations, including the DC Construction Code provisions regarding the protection of adjacent properties.

3. Discussions with ANC 4B. At the request of ANC 4B, the Applicant attended ANC 4B's Design Review Committee meeting on June 9, 2016, and their full ANC meeting on June 27, 2016, to further present the project and address questions and concerns. The major issues that arose at those meetings related to the project's design features and construction issues. With respect to the project's design, the Applicant believes that the building embodies exceptional architectural design through the use of a variety of high-quality materials, step-downs and setbacks, and detailing elements, which together create visual interest and emphasize the prominence of the site at the gateway to the District. Moreover, at the request of ANC 4B, the Applicant also agreed to maintain the grass and landscaped area located within the curb line of the triangular median within the intersection of Georgia Avenue, Kalmia Road, and Alaska Avenue. Doing so will help to beautify

the public space in front of the site and further highlight the intersection as the entrance to the District.

With respect to construction issues, the Applicant is committed to moving forward with a safe, clean, and well-run project. Accordingly, the Applicant will comply with all applicable regulations within the Construction Code, the DC Municipal Regulations, and all other laws and regulations regarding building construction, maintenance, and operation. These include (but are not limited to) regulations regarding construction hours, maximum noise levels, soil erosion and sediment control, rodent control, lighting, and protecting the general health, safety, and welfare during construction and operation of the building.

The Applicant is scheduled to return to ANC 4B's Design Review Committee meeting in August and their full Commission meeting to further address any outstanding issues.

4. Parking. With respect to the availability of on-street parking in the neighborhood, the Applicant notes that the PUD does not result in the removal of any on-street residential parking spaces in front of the existing homes on Kalmia Road. As indicated above, the Applicant has offered each of the existing homeowners on the north side of the 1100 block of Kalmia Road a free parking space within the proposed building. This will ensure that those residents have a safe, secure, and reliable location to park their car.

In addition, the Applicant has provided significantly more parking spaces within the building than is required by the Zoning Regulations (271 total spaces for the retail and residential uses, whereas only 138 spaces are required). The Applicant's parking study, which was scoped and conducted in accordance with DDOT's standards, concludes that the amount of proposed parking will satisfy the anticipated parking demands of the development, and DDOT has confirmed this analysis. Moreover, the Applicant has also agreed to restrict residents of the proposed building from obtaining Residential Parking Permits, such that they will not be able to park their cars on the street for extended periods of time. Together, these initiatives will satisfactorily eliminate any potential parking congestion on the residential streets surrounding the subject property.

5. Traffic. In order to address potential increases to traffic congestion in the surrounding area, the PUD incorporates significant traffic management measures that will effectively mitigate any potential increased traffic created by the project. These include installing traffic management cameras at three nearby intersections (16th Street and Kalmia Road, Alaska Avenue and Kalmia Road, and Georgia Avenue and Geranium Street), which will be integrated into DDOT's traffic management program. The Applicant will also implement signal and physical improvements at the Alaska Avenue/Kalmia Road/Georgia Avenue intersection adjacent to the subject property. Finally, in coordination with DDOT, the Applicant has developed an extensive Transportation Demand Management ("TDM") plan that includes the following elements:

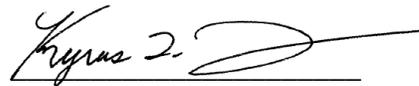
- a. Designating a TDM coordinator;
- b. Unbundling parking costs from the cost of leasing a residential unit;
- c. Installing transportation information screens in the building;
- d. Providing a large number of short- and long-term bicycle parking spaces, as well as shower and changing facilities for grocery store employees;
- e. Dedicating two parking spaces in the garage for car sharing services;
- f. Restricting residents from obtaining RPPs under penalty of lease termination; and
- g. Offering each unit's incoming residents an annual carsharing membership or an annual Capital Bikeshare membership for a period of three years.

Together, the Applicant's commitment to implementing the traffic mitigation measures and the TDM program will successfully prevent additional traffic congestion in the neighborhood.

6. Public Benefit to Shepherd Park Elementary. The Applicant has recently been in touch with the principal of Shepherd Elementary School to discuss details about how the \$25,000 public benefit contribution will be most effectively allocated.
7. Validly Existing Applicant Entity. Finally, the Applicant would like to reiterate that, despite allegations to the contrary, Jemal's Gateway, L.L.C. is a validly existing limited liability company in the District of Columbia, as indicated in the Applicant's Certificate of Organization and Articles of Organization, dated October 1, 1997 and attached hereto as Exhibit B.

The Applicant has enjoyed working with ANC 4A, ANC 4A02 SMD Commissioner Dwayne Tolliver, community members, and other neighborhood stakeholders to make this project a success, and looks forward to continuing to work with ANC 4A in the future as development of this project moves forward.

Respectfully,



Kyrus L. Freeman
Jessica R. Bloomfield
800 17th Street, N.W. #1100
Washington, DC 20006
(202) 955-3000

EXHIBIT A

List of Community Outreach Meetings

- May 22, 2013 community meeting with adjacent impacted neighbors and stakeholders
- May 29, 2015 meeting with ANC Commissioner Dwayne Tolliver
- June 4, 2013 presentation to the community and ANC 4A at its regularly scheduled community meeting
- July 22, 2015 door to door discussions and adjacent impacted neighbor meeting flyer distribution from Kalmia Road NW to 13th Street, NW and 12th Street to Kalmia Road, NW
- Project discussion with Jacqueline Holt on stoop at 1204 Kalmia Road, NW
- July 29, 2015 community meeting and ongoing conversations with adjacent impacted neighbors and stakeholders (*see* meeting sign-in sheet at Attachment A)
- July 30, 2015 community meeting and ongoing conversations with Shepherd Park, North Portal Estates, Colonial Village homeowners, tenants of the existing commercial facility and other stakeholders (*see* meeting invitation, photographs from meeting, and notice of meeting in 8/5/2015 Northwest Current at Attachment B)
- Two teleconferences and ongoing conversations with Jade Brawley, Principal of Shepherd Park Elementary School
- August 28, 2015 through June 10, 2016 email correspondences with John Goodloe, neighborhood resident
- August 31, 2015 meeting with DMPED and DDOT at Councilmember Brandon Todd's office
- Creation and maintenance of project website: www.georgiaeastern.com
- September 1, 2015 discussion with Naima Jefferson at 1121 Kalmia Road NW
- September 1, 2015 Public Presentation to ANC4A (co-presentation with Dan Marett, Harris Teeter District Manager)
- Multiple email correspondences and personal conversations with individual residents and interested stakeholders
- October 25, 2015 through June 18, 2016 email correspondences with Thomas and Alesha Dominique, residents of 1133 Kalmia Road, NW
- October 29, 2015 update to www.georgiaeastern.com website including traffic study, new building renderings, and new project Q&A

- November 13, 2015 project update via email to Sheryl Newman, Chief of Staff for Councilmember Brandon Todd
- November 16, 2015, 7:00 PM Community Meeting with ANC4A02 (*see* meeting invitation, meeting sign-in sheet, and notice in Northwest Current at Attachment C)
- December 2, 2015 project update via email to Sheryl Newman, Chief of Staff for Councilmember Brandon Todd
- December 7, 2015 7:00 PM public presentation before ANC4B's Design Review Committee
- December 7, 2015 communications with Ed Atkins of the Shepherd Park Citizens Association
- December 30, 2015 through April 26, 2016 email correspondences with Naima Jefferson, owner of 1121 Kalmia Road, NW
- February 18, 2016 project update via email to Sheryl Newman, Chief of Staff for Councilmember Brandon Todd
- March 8, 2016 and April 5, 2016 call with Ed Atkins, Shepherd Park Citizens Association to provide project update
- April 15, 2016 Call with John Goodloe, Neighbor on Alaska Avenue, NW to discuss project status
- April 15, 2016 mailing of draft Adjacent Property Agreements to adjacent neighbors at 1121, 1123, 1125, 1129 & 1133 Kalmia Road, NW and 7826 Eastern Avenue, NW
- April 28, 2016 meeting with Terra Nova ownership (7826 Eastern Avenue NW) to review adjacent property agreement concerning site access and crane swing
- May 7, 2016 mailing of 2nd draft Adjacent Property Agreements to adjacent neighbors at 1121, 1123, 1125, 1129 & 1133 Kalmia Road, NW and 7826 Eastern Avenue, NW (*see* Certified Mail Receipts at Attachment D)
- May 11, 2016 adjacent property agreement review with neighbor at 1133 Kalmia Road, NW
- May 19, 2016, 6:30 PM meeting with Adjacent Neighbors (1121, 1123, 1125, 1129, 1133 Kalmia Road, NW neighbors invited)
- May 20, 2016 update to www.georgiaeastern.com website including traffic study, new building renderings, and new project Q&A

- June 7, 2016 adjacent property agreement review with owner of Terra Nova building at 7826 Eastern Avenue, NW
- June 8, 2016 project update via email to Sheryl Newman, Chief of Staff for Councilmember Brandon Todd
- June 9, 2016 follow-up public presentation before ANC 4B's Design Review Committee
- June 27, 2016 presentation ANC 4B at its regularly scheduled community meeting

EXHIBIT B

L01861

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS REGULATION ADMINISTRATION



CERTIFICATE

THIS IS TO CERTIFY that all applicable provisions of the DISTRICT OF COLUMBIA LIMITED LIABILITY COMPANY ACT have been complied with and accordingly, this CERTIFICATE of ORGANIZATION is hereby issued to JEMAL'S GATEWAY D.C., L.L.C.

as of OCTOBER 1ST , 1997 .

W. David Watts
Director

Katherine A. Williams
Administrator
Business Regulation Administration

Desiree M. Jones
Desiree M. Jones
Act. Asst. Superintendent of Corporations
Corporations Division

Marion Barry, Jr.
Mayor

ARTICLES OF ORGANIZATION
OF JEMAL'S GATEWAY D.C., L.L.C.

Pursuant to the provisions of Title 29, Chapter 13, of the Code of Laws of the District of Columbia, which governs the formation of a limited liability company and conversion of a partnership into a limited liability company, the undersigned, Lane H. Potkin, acting as an organizer of a limited liability company for the purpose of converting an existing general partnership into a limited liability company, adopts the following Articles of Organization:

FIRST: The name of the limited liability company is JEMAL'S GATEWEAY D.C., L.L.C.

SECOND: The effective date of these articles shall be the date of delivery of these Articles for filing with the District of Columbia.

THIRD: The period of duration of this limited liability company shall be until December 31, 2050.

FOURTH: The purposes for which the company is formed and the business or objects to be carried on and promoted by it, within the District of Columbia or any other State or States of the United States, or any territory or possession thereof, whether presently or hereafter annexed, or any foreign country or countries are as follows:

To own, operate, lease, sell, or otherwise deal with the real property in the District of Columbia identified as Lot 17, in Square 2960, and all matters relating thereto.

To carry on its operations and conduct business in the District of Columbia, and in any territory, dependancy or possession of the United States, and in any foreign country.

To undertake all actions consistent with, or incidental to, the purposes stated herein.

FIFTH: The address of the initial registered office of the company is 4530 Wisconsin Ave., N.W., Washington, D.C. 20016, and the registered agent at such address is Robert F. Leibner, a resident of the District of Columbia.

SIXTH: The principal office of the Corporation shall be located at 4530 Wisconsin Ave., N.W., Washington, D.C. 20016.

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BY: [Signature]

SEVENTH: The organization of JEMAL'S GATEWAY D.C., L.L.C., is being made in connection with the conversion of an existing general partnership into a limited liability company. The former name of the general partnership being converted to a limited liability company is JEMAL'S GATEWAY GENERAL PARTNERSHIP.

EIGHTH: The number of organizers of this Company is one. The name and address of the organizers is:

<u>NAME</u>	<u>ADDRESS</u>
Lane H. Potkin	11611 Old Georgetown Rd. Rockville, Maryland 20852

Date: 12/1/97



Lane H. Potkin

201861

8.23.99

By 