

**PLANNED UNIT DEVELOPMENT**  
**AT ECKINGTON PLACE AND HARRY THOMAS WAY**  
**SQUARE 3576, LOT 815**

**PREHEARING STATEMENT OF**  
**NOMA WEST RESIDENTIAL I, LLC**  
**IN SUPPORT OF A PROPOSED MAJOR MODIFICATION**  
**TO Z.C. ORDER NO. 05-23 <sup>A</sup>**

August 7, 2007

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ZONING COMMISSION  
District of Columbia

CASE NO. 05-23A

EXHIBIT NO. 12

ZONING COMMISSION  
District of Columbia  
CASE NO. 05-23A  
EXHIBIT NO. 12

ORIGINAL



**CERTIFICATION OF COMPLIANCE WITH**  
**SECTION 3013 OF THE ZONING REGULATIONS**

The undersigned hereby certifies that, in accordance with Section 3013 of the Zoning Regulations, twenty (20) copies of the following items were filed with the Zoning Commission on August 7, 2007, and, in accordance with Section 3013.8, the application shall not be modified less than twenty (20) days prior to the public hearing.

<b><u>Subsection</u></b>	<b><u>Description</u></b>	<b><u>Page/Exhibit</u></b>
3013.1(a)	Information requested by the Zoning Commission and the Office of Planning	Pgs. 8 - 12
3013.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Pg. 12 Exhibit C
3013.1(c)	Summary of testimony of witnesses or reports and area of expertise	Pg. 12 Exhibits D-H
3013.1(d)	Additional information introduced by the Applicant	
3013.1(e)	Reduced plans	Exhibit A
3013.1(f)	List of maps, plans, or other documents readily available that will be offered into evidence	Pg. 13 Exhibit I
3013.1(g)	Estimated time required for presentation of Applicant's case	Pg. 13
3013.4	First Source Employment Agreement Memorandum of Understanding	Pg. 13
3013.6(a)	Names and addresses of all property owners within 200 feet of the subject property	Pg. 13 Exhibit J
3013.10	Report by Traffic Consultant	Pg. 13

Respectfully submitted,

HOLLAND & KNIGHT LLP

  
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## **LIST OF EXHIBITS**

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
Revised Drawings	A
Zoning Commission Order 05-23	B
List of witnesses to testify on behalf of Applicant	C
Outline of testimony of Samuel P. Simone, NoMa West Residential I, LLC	D
Outline of testimony of Mark D. Drake, The Preston Partnership	E
Outline of testimony of Adam Steiner, Urban, Ltd.	F
Outline of testimony of Robert B. Schiesel, P.E., Gorove/Slade Associates, Inc.	G
Outline of testimony of Steven E. Sher, Holland & Knight LLP	H
List of maps, plans, or other documents readily available	I
Names and addresses of owners of property within 200' of the subject property	J

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## **I. INTRODUCTION**

This prehearing statement is submitted on behalf of NoMa West Residential I, LLC (the "Applicant") in support of its application for a major modification to the PUD approved at Eckington Place and Harry Thomas Way, N.E., in Square 3576, Lot 815 (the "Property"), pursuant to Z.C. Order No. 05-23, a copy of which is attached as Exhibit B (the "Approved PUD"). It addresses the comments and concerns raised by the Office of Planning and the Zoning Commission, and includes items required under Section 3013 of the Zoning Regulations.

### **A. Project Overview**

#### **1. The Approved PUD**

The Approved PUD consists of approximately 739,951 square feet of residential gross floor area and 15,084 square feet of retail. The residential uses are comprised of approximately 585-636 apartment units located in three large residential buildings, with a mix of studio, one-bedroom, one-bedroom with den, two-bedroom, and two-bedroom with den units; approximately 27 piggyback townhouse units; and 5 four-story single family townhouses. Approximately 875 below-grade parking spaces are provided for residents and guests of the multifamily buildings. Garages are provided for each townhouse, and additional parking is provided via a surface parking lot. The building heights range from 40 feet for the townhouses to 110 feet for the apartment buildings, and the project has a lot occupancy of 47.43%, including the proposed streets. The FAR for the Approved PUD is 4.01. The development of the Approved PUD includes the extension of Q Street, which currently ends at Eckington Place on the west side of the Property, east to Harry Thomas Way. The community benefits package for the Approved PUD includes monetary contributions totaling \$105,000 to support various neighborhood programs and initiatives; a reservation for 1,200 square feet of community meeting/office space in a high visibility location along Harry Thomas Way; and a reservation of 8% of the residential gross floor area for households within 80% of the AMI. Also, as a condition of the approval of the Approved PUD, the developer is to design and construct

a connection to the Metropolitan Branch Trail consisting of a ten-foot wide path, pedestrian solar scale lighting, and call box(es). The construction of the connection to the Metropolitan Branch Trail is to occur concurrently with the construction of the first residential building.

## **2. Proposed Modification to Approved PUD**

On June 7, 2007, the Applicant filed an application to modify the Approved PUD (the "Modified PUD") which reduces the overall density, height and parking for the project; is compatible with the mix of uses in the surrounding area; and furthers the objectives of the Comprehensive Plan and the proposed NoMA Vision Plan, draft dated October 2006 (the "NoMA Vision Plan"). The Modified PUD is a wholly residential project that consists of 617,318 square feet with 600 dwelling units (plus or minus 7%).<sup>1</sup> There will be a mix of studio, one-bedroom, one-bedroom with den, two-bedroom, and two-bedroom with den units housed in three buildings. Building 100 will be at the northwest section of the Property and will have approximately 118,793 square feet of gross floor area. Building 200 will be at the northeast section of the Property and will have approximately 252,589 square feet of gross floor area. Building 300 will run along the southern boundary of the Property and have approximately 245,936 square feet of gross floor area. The maximum height of these buildings, with Building 200 being the tallest, will be approximately 65 feet, which is 45 feet lower than the apartment buildings for the Approved PUD. The project will be served by below-grade parking garages that have a minimum parking ratio of 0.8 spaces per dwelling unit, which is lower than the ratio of 1.2 to 1.3 parking spaces per unit for the Approved PUD. Also, the Modified PUD will have an FAR of 3.3 where the Approved PUD has an FAR of 4.01 – a decrease in the overall density for the site of approximately 122,633 square feet.

As depicted on the map for the NoMA Vision Plan, the Applicant agrees to construct a private road that serves as an extension of Q Street from Eckington Place through the Property to Harry Thomas Way. In order to maintain the urban fabric, on-

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<sup>1</sup> In the application statement, filed June 7, 2007, the Applicant proposed 540-660 dwelling units. The range of units was reduced in response to comments by the Zoning Commission at setdown.

street parking will be available on the Q Street extension. Also, notwithstanding the reduction in density in the Modified PUD, the developer will fulfill the monetary obligations in support of neighborhood programs and initiatives and provide 1,200 square feet of community meeting/office space in Building 300, along Harry Thomas Way, as required in Zoning Commission Order 05-23. The Applicant also agrees to implement the inclusionary housing commitment standards previously submitted to the Zoning Commission with the application statement.

The Modified PUD, to be known as Eckington One, is a unique opportunity to enhance the existing neighborhood while furthering the objectives of the NoMa Vision Plan through the creation of beautiful urban spaces and new vehicular, pedestrian and bicycle connectivity. The development concept was intended to capture the historical architecture of the area and incorporate it with styles and elements that are complimentary to the current uses and designs surrounding the Property.

The heart of the project will be the Q Street extension between Eckington Place and Harry Thomas Way, which is envisioned as a tree-lined, animated street with pedestrian friendly buildings, intimate gardens, and on-street parking. All three buildings in the Modified PUD will have multiple front entrances along Q Street. There will also be stoops leading to direct outside entrances for some of the units along Q Street, which will further enhance the pedestrian experience.

A second important feature of the Modified PUD is the neighborhood park proposed at the eastern end of Building 300, at the southeast corner of the Property. The park will consist of approximately 4,500 square feet and will be open to residents of the project and the surrounding area for passive and active recreation. The focal point of the park is a central lawn space that is surrounded by walkway, benches, and lush landscape. The landscape will consist of flowering trees, shrubs, perennials, and groundcover that will provide interest throughout the year. The benches and hardscape in the park will be of high quality in both design and durability.



Eckington One will not only offer a distinct urban living experience, but each of the three buildings will leave its own imprint on the neighborhood.

The architecture for Building 100, which will be situated at the northwest corner of the Property, is reminiscent of a warehouse building with solid brick, clean lines, elegant simplicity, and expansive windows. The warehouse style delivers the chic, sought-after urban style of living that has recently gained in popularity. Like the other buildings in the project, Building 100 will have two expansive courtyards – one with a pool and the other with elements and features for passive recreation. The height of the building will be approximately 57 feet – 6 inches.

Building 200 will be situated at the northeast corner of the project. The building will have a dramatic glass entry for the lobby entrance at the corner of Q Street and Harry Thomas Way where a clubhouse of approximately 2,000 to 4,000 square feet will anchor the corner of the building opposite the proposed neighborhood park. This building provides bays that add a dimension of modernism to its simple but elegant architecture and contrasts the warehouse design of Building 100 with sophisticated modern facades. The height of the building will be approximately 65 feet.

Building 300, situated along the southern edge of the Property, will have two main resident lobbies, one with approximately 3,000 to 5,000 square feet of clubhouse space. Private terraces will be provided on the ground floor units of the building, which will have a height of approximately 61 feet. Building 300 offers residents a variety of views ranging from the Capital Dome and the Washington Monument to the Eckington neighborhood and intimate courtyards or the proposed neighborhood park.

## **B. Procedural Background**

The application to modify the Approved PUD (the "Application") was filed with the Zoning Commission on June 7, 2007. On July 30, 2007, the Zoning Commission unanimously voted to schedule the Application for public hearing. With the filing of this

prehearing statement, the Applicant respectfully requests that the Application be scheduled for the next available hearing of the Zoning Commission.

## **II. SUPPLEMENTAL INFORMATION ON THE APPLICATION**

### **A. Issues Raised By the Office Of Planning**

In Section VII of its report dated July 20, 2007, the Office of Planning ("OP") requested the Applicant address issues relating to the proposed Q Street extension; the connection to the Metropolitan Branch Trail; the building design; "green" elements for the project; and the relationship of the project to the northern development. The Applicant's response to these issues follows.

#### **1. Q Street Extension Geometry and Design**

The OP Report states that the Applicant will need to work closely with OP and the District Department of Transportation ("DDOT") on the design and extension of Q Street so that DDOT may be confident of its future ability to accept the road into the public system, and so that both DDOT and OP are satisfied with the design of sidewalks, stoops, parking strips, the location of the utility grates and other public space functions.

The Applicant has been in contact with DDOT and OP, and the parties will meet prior to the public hearing to address the geometry and design of the proposed Q Street extension.

#### **2. Bicycle Trail Extension**

The OP report states that a consensus will need to be reached concerning whether the Applicant will (1) be responsible for designing and constructing the connection to the Metropolitan Branch Trail, or (2) be permitted to contribute \$55,000 to an agency such as DDOT for the design and construction of the connection.

As part of the Approved PUD, the developer is required to design and construct the connection to the Metropolitan Branch Trail consisting of a ten-foot wide path,

pedestrian solar scale lighting, and call boxes. The proposed construction of the connection is to occur concurrently with the construction of the first residential building. In the event the cost of the design and construction of the trail connection is less than \$55,000, the developer is to contribute the balance to the organizations listed as receiving financial contributions in Zoning Commission Order 05-23.

The Applicant will discuss the Metropolitan Branch Trail connection with DDOT, including an alternative condition that permits the developer to make a contribution of \$55,000 for said connection, in lieu of doing the design and construction.

### **3. Building Design**

The OP report states that OP and the Applicant will further examine the façade components such as brick types, cornice treatment, window types and stoops. Also, the OP report notes that due to changes in topography, portions of the underground garages rise above grade between one and four feet. As such, OP suggests that the surfaces (originally proposed to be CMU) may need to be softened and given more visual interest.

The Applicant will continue to work with OP on the design of the project and will submit the revised drawings no less than 20 days prior to the hearing on the Application.

### **4. Green Elements**

OP requested the Applicant clarify the "green" elements in the project's design, construction and operation.

The PUD will include several elements of "green" design, including garage exhaust fans controlled by sensors to prevent continuous running; low-flow showerheads; bike storage; use of local gravel, concrete and asphalt; low-emitting paint and coating materials; low-emitting carpet; a recycling program for residents; and energy efficient kitchen appliances. Additionally, three of the cars provided by the car sharing service will be hybrids or low emissions, and one of the three buildings will be entirely smoke free.

## **5. Relationship to Northern-Adjacent Development**

OP and the Zoning Commission requested that the Applicant give more detail about the design of the building facing the northern boundary of its site. The Zoning Commission specifically expressed concern about the amount of cementitious material on the northern façade of the project. In response, the Applicant has redesigned Building 100 to have two stories of brick on the north face, instead of only a single story. Also, the Applicant has added brick to the northern façade of Building 200. These changes are reflected in the drawings attached as Exhibit A of this prehearing statement. Material and color samples will be presented to the Zoning Commission at the hearing on the application.

### **B. Issues Raised By The Zoning Commission**

At its meeting of July 30, 2007, the Zoning Commission voted unanimously to schedule the Application for public hearing. The Zoning Commission expressed concern about the range in the number of dwelling units; the building material on the north face of the building; and the lot occupancy for the Modified PUD versus that for the Approved PUD. The Zoning Commission also wanted to consider rezoning the Property to C-3-A, as an alternative to the current C-3-C zoning. The Applicant's response to these issues follows.

#### **1. Number of Dwelling Units**

The Application originally proposed 540 to 660 dwelling units for the project. With this prehearing statement, the Applicant proposes 600 dwelling units (plus or minus 7%).

#### **2. Material on Northern Façade**

As stated above, the Zoning Commission expressed concern about the amount of cementitious material on the northern façade of the project. In response, the Applicant has redesigned the project to have two stories of brick on the north face of Buildings 100. Also, the Applicant has added brick to the northern façade of Building 200. These changes are reflected in the drawings attached as Exhibit A of this prehearing statement.

### **3. Lot Occupancy**

The Zoning Commission noted that under the Modified PUD, the lot occupancy for the development on the Property increases from 47.43% to 63%.

While the lot occupancy under the Modified PUD is greater than that of the approved PUD, there is ample open space in the Modified PUD achieved through the courtyards within each building and the 4,500 square foot neighborhood park proposed at the southeast corner of the project. The increased lot occupancy is also mitigated by the urban, pedestrian-friendly design proposed by the Modified PUD and the reduction in the building heights, which is more compatible with the neighborhood north of the Property.

### **4. Alternative C-3-A Zoning**

The Zoning Commission stated that the rezoning advertisement should be in the alternative to consider both the C-3-C District and the C-3-A District. The Modified PUD complies with the requirements of the C-3-C District, as discussed in the application statement previous submitted. The Modified PUD also complies with the C-3-A District as follows:

- a. The Modified PUD has an FAR of 3.3 where the C-3-A regulations permit a maximum FAR of 4.0 as a matter of right and a maximum FAR of 4.5 under the PUD guidelines.
- b. The Modified PUD has a maximum height of less than 65 feet where the C-3-A regulations permit a height of 65 as a matter of right and a maximum height of 90 feet under the PUD guidelines.
- c. The Modified PUD has a lot occupancy of 63% where the C-3-A regulations permit a lot occupancy of 75%.
- d. The Modified PUD provides a minimum parking ratio of .8 spaces where the C-3-A regulations require 1 parking space for each 2 dwelling units.

The Modified PUD also complies with the loading and the rear yard requirements for the C-3-A District, which are the same as the requirements for current C-3-C zoning on the Property.

While a side yard is not required in either the C-3-C or the C-3-A District, where one is provided, for both zoning districts, the Regulations require the side yard to be at least two inches wide for each foot of height of building, but not less than six feet. As stated in the original application statement, filed June 7, 2007, the Applicant seeks flexibility from the side yard requirement for Buildings 100 and 200.

In light of the foregoing, and considering that the C-3-A District is consistent with the Future Land Use Map Designation for the Property (PDR/Medium Density Residential), the Applicant has no objection to the current C-3-C zoning on the Property, approved for the Property pursuant to the decision in Zoning Commission Case No. 05-23, or rezoning the Property to the C-3-A District.

### **III. ADDITIONAL REQUIREMENTS OF SEC. 3013 OF THE ZONING REGULATIONS**

#### **A. List of Witnesses Prepared to Testify on Behalf of the Applicant**

In accordance with Sec. 3013.1(b) of the Zoning Regulations, a list of witnesses prepared to testify at the public hearing on behalf of the Applicant is attached as Exhibit C.

#### **B. Summary of Testimony of Witnesses or Reports and Area of Expertise**

In accordance with Sec. 3013.1(c) of the Zoning Regulations, outlines of the testimony of all witnesses or of the written report and the area of expertise of any expert who will be called to testify at the public hearing are attached as Exhibits D through H.

**C. List of Maps, Plans or Other Documents Readily Available**

In accordance with Sec. 3013.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that will be offered into evidence at the public hearing is attached as Exhibit I.

**D. Estimate of Time Required for Presentation of Applicant's Case**

In accordance with Sec. 3013.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is forty-five minutes, subject to the decision of the presiding officer at the public hearing.

**E. Agreements with the District of Columbia**

The Applicant will enter into a First Source Agreement with the Department of Employment Services ensuring cooperation with the Department for employee recruitment for jobs created by the Modified PUD, with the objective that fifty-one percent of the employees hired in connection with the development of the project are District of Columbia residents. The Applicant will also enter into a Memorandum of Understanding with the Department of Small and Local Business Development as required under Zoning Commission Order 05-23. Draft versions of the foregoing agreements will be submitted to the Zoning Commission not less than twenty (20) days prior to the date of the public hearing on the Application.

**F. Names and Addresses of Owners of Property Within 200 Feet of Property**

In accordance with Section 3013.6 of the Zoning Regulations, a list of the names and addresses of the owners of all property located within two hundred feet (200') of the PUD Site is attached as Exhibit J.

**G. Report by Traffic Consultant**

In accordance with Section 3013.10 of the Zoning Regulations, the report prepared by Gorove/Slade Associates, Inc. was submitted to the Zoning Commission as part of the application statement filed on June 7, 2007.

#### IV. CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this prehearing statement is submitted on behalf of NoMa West Residential I, LLC, in order to provide additional information in support of its application to modify the PUD approved at Eckington Place and Harry Thomas Way, in Square 3576, Lot 815, pursuant to the decision in Zoning Commission Case No. 05-23. Based on the information and items contained herein, and the case presented in the original submittal, we respectfully request the Zoning Commission's approval of the Application.

Respectfully submitted,

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