

**BEFORE THE**  
**ZONING COMMISSION**  
**FOR THE DISTRICT OF COLUMBIA**

**ECKINGTON PARK**  
**LOT 15, SQUARE 3581**  
**1501 HARRY THOMAS WAY, N.E.**  
**WASHINGTON, D.C.**

**APPLICATION FOR**  
**A CONSOLIDATED PUD**  
**AND ZONING MAP AMENDMENT**

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**April 21, 2017**

## **EXECUTIVE SUMMARY**

This statement and attached documents are submitted by FP Eckington Holdings, LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia for approval of a consolidated planned unit development and a related Zoning Map amendment. The subject property consists of Record Lot 15 in Square 3581 (the “Site”), which is located at the corner of R Street and Harry Thomas Way, directly to the east of the approved Eckington Yards project and to the west of the WMATA Tracks. The Applicant proposes to construct a multifamily residential building with ground floor retail and two-story artist live-work spaces. The maximum building height will be 81 feet, 6 inches to the top of the roof and 83 feet to the top of the parapet. The building will include approximately 312,398 square feet of gross floor area, or 4.0 FAR, with approximately 328 residential units including four artist live-work spaces and approximately 8,380 square feet devoted to retail use. The design of the building focuses on creating a pedestrian street along Harry Thomas Way to support this growing area.

The Site will have a unique park setting as a result of its location directly to the north of a proposed new park having more than two acres of open space and immediately adjacent to a proposed new park in the eastern portion of the PUD Site. The portion of the park within the Site will be conveyed to the NoMA Parks Foundation to be used for the realignment of the Metropolitan Branch Trail, a neighborhood dog park, and related open space, all of which are supported by benefits from this PUD application.

As set forth below, this statement and the attached documents meet the filing requirements for a PUD a related Zoning Map amendment under Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations.

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## **DEVELOPMENT TEAM**

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**LIST OF EXHIBITS**

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
Architectural Plans and Drawings for Consolidated PUD Application ("PUD Plans")	Submitted Separately
Authorization Letter	A
Applications to Amend the Zoning Map - Form 101	B
Applications for Approval of a Consolidated Planned Unit Development (PUD) - Form 103	C
Zoning Map	D
Surveyor's Plat	E
Generalized Policy Map	F
Future Land Use Map	G
Summary of Compliance with Comprehensive Plan	H
200-Foot Property Owners List and Two Sets of Labels	I
Certificates of Notice, Notice of Intent, and Property Owners List	J

**I.**  
**INTRODUCTION**

This statement and attached documents are submitted by FP Eckington Holdings, LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia for approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment. This application is submitted in accordance with Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations, 11 DCMR (September 2016), as amended (the “Zoning Regulations”).

The subject property consists of Lot 15 in Square 3581 (the “Site”)<sup>1</sup>, which is located in the northernmost portion of the square. Square 3581 is bounded by the Washington Metropolitan Area Transit Authority (“WMATA”) tracks to the east, R Street, N.E. to the north, Harry Thomas Way, N.E. to the west, and New York Avenue, N.E. to the south. The Site contains approximately 77,898 square feet of land area and is split zoned PDR-2 and PDR-4. As part of the PUD, the Applicant is seeking a related Zoning Map amendment to the MU-5-A District to permit the construction of a multifamily residential building with ground floor retail and two-story artist live-work spaces.

**A. Summary of Project**

The proposed PUD contemplates the construction of a multifamily residential building situated within a unique park setting (the “Project”) – with a proposed new park having more than 2 acres of open space immediately to the south (the “South Park”) and the extension of the South Park to the north with more than 20,000 square feet of the open space on the eastern portion of the Site (the “East Park”). The East Park is part of the PUD Site but will be conveyed

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<sup>1</sup> Through March 31, 2017, Lot 15 was also known for assessment and taxation purposes as Lots 805, 806, 807 and 7000. A new division of lots application is pending for the Site to create new assessment and taxation lots, which will replace Lots 806, 807 and 7000.

to the NoMA Parks Foundation (“NPF”) to be used for the realignment of the Metropolitan Branch Trail (“MBT”), a neighborhood dog park, and related open space, as described in detail herein. The building will include approximately 312,398 square feet of gross floor area, or 4.0 FAR, with approximately 328 units and landscaped central courtyard with a pool. The primary residential entry will be on Harry Thomas Way, with a secondary entry from the south façade abutting the South Park. Ground floor retail will anchor the corner of R Street and Harry Thomas Way as well as the corner of Harry Thomas Way and the South Park, for a total of approximately 8,380 square feet of gross floor area devoted to retail use. Nine two-story loft units will line the east façade and have direct access to the East Park. Four of these loft units will be devoted to artist live-work spaces at low-income household affordability levels.



The maximum height of the building is 81 feet, 6 inches to the top of the roof and 83 feet to the top of the parapet. The Project includes two small mechanical penthouses on the main roof, each with a maximum height of 12 feet. All portions of the penthouses will be set back 1:1 in accordance with the Zoning Regulations.

The Project will include approximately 124 parking spaces in a below grade parking garage and two 30-foot loading berths. Access to the parking garage and loading will be from R Street, N.E. on the north side of the Site in order to maintain Harry Thomas Way as a pedestrian and retail-focused street.

**B. The Applicant**

The Applicant is FP Eckington Holdings, LLC. The Site will be developed by Foulger-Pratt through FP Eckington Holdings, LLC. Established in 1963, Foulger-Pratt is a real estate development firm distinguished by its long-term investment focus and extensive experience executing successful mixed-use, transit-oriented projects throughout the Washington DC metro area. Foulger-Pratt has developed more than 15 million square feet of commercial office, retail space, and multifamily residential projects. From acquisition to development, construction to asset management, the company's fully integrated teams create value at all stages of an investment's lifecycle.

**II.  
SITE LOCATION, ZONING, AND LAND USE**

**A. Site Description and Surrounding Area**

The Site is located at the southeast corner of Harry Thomas Way, N.E. and R Street, N.E. and is currently vacant. To the north is the Penn Center building, which is currently used as a District-owned warehouse. To the east are the MBT and the WMATA tracks. The land directly to the south is the South Park and further to the south is a PEPCO substation.



Residential uses are predominantly found to the west and northwest. To the southwest is the Gale project, which was approved as a PUD (Z.C. Case No 05-23, subsequently modified by Z.C. Case Nos. 05-23A-B). The Gale consists of three buildings, the tallest of which has a maximum building height of 64 feet, 6 inches, with an overall density of 3.3 FAR.

Immediately to the west, across Harry Thomas Way, is the recently approved JBG/Boundary PUD project (Z.C. Case No. 15-15). The approved JBG/Boundary project – known as Eckington Yards – will consist of three buildings, the tallest of which will be constructed to a height of approximately 102 feet. The maximum density for Eckington Yards is 5.2 FAR. The project is centered around a pedestrian alley and plaza that terminates across the street from the Project.

**B. Zoning**

The Site is currently split zoned PDR-2 and PDR-4. This application includes a request to rezone the Site to MU-5-A. To the north, the zoning is PDR-2 and PDR-4. To the northwest, the zoning is RF-1. These areas of RF-1 zoning are improved with attached rowhouse dwellings. The Eckington Yards project was rezoned as part of the PUD from the M zone district to the CR zone district (the PDR-4 zone to MU-10 zone under the current zoning regulations). The Gale project was also rezoned as part of the PUD from the M zone district to the CR zone district (the PDR-4 zone to MU-9 zone under the current zoning regulations).

**C. Matter-of-Right Development Under Existing Zoning**

The PDR-2 District is intended to permit medium-density commercial and Production Distribution, and Repair (“PDR”) activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. 11-J DCMR § 200.2. The PDR-2 District permits a maximum height of 60 feet, with the same height permitted for a PUD. 11-J DCMR §§ 203.1 and 303.7. The PDR-2 District permits a

maximum FAR of 3.0 for restricted uses and 4.5 FAR for permitted uses. 11-J DCMR § 202.1. The maximum FAR for a PUD in the PDR-2 District is 3.6 for restricted uses and 5.4 for permitted uses. 11-X DCMR § 303.3.

The PDR-4 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones and minimize non-industrial uses. 11-J DCMR § 200.4. The PDR-4 District permits a maximum height of 90 feet, with the same height permitted for a PUD. 11-J DCMR §§ 203.1 and 303.7. The PDR-4 District permits a maximum FAR of 1.0 for restricted uses and 6.0 FAR for permitted uses. 11-J DCMR § 202.1. The maximum FAR for a PUD in the PDR-4 District is 1.2 for restricted uses and 7.2 for permitted uses. 11-X DCMR § 303.3.

Multi-family residential use is not permitted in either the PDR-2 or PDR-4 District. New residential uses are limited in the PDR-2 and PDR-4 Districts to either: (1) an apartment unit for a caretaker watchman, or janitor employed on the premises; or (2) an apartment unit that is integrated with and accessory to an artist studio. 11-U DCMR § 801.1(v).

**D. Matter-of-Right Development Under Proposed Zoning**

Under the PUD, the Site will be rezoned to the MU-5-A District to allow for the development of the multifamily residential building. The MU-5 Districts are intended to permit medium-density, compact mixed-use development with an emphasis on residential use. 11-G DCMR § 400.4(a). In addition, the MU-5 Districts provide for areas with facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. 11-G DCMR § 400.4(b). The MU-5 Districts are located on arterial streets, in uptown and regional centers, and at rapid transit stops. 11-G DCMR § 400.4(c).

The MU-5-A District permits a maximum matter-of-right height of 65 feet, with 70 feet permitted for Inclusionary Zoning (“IZ”) projects, with no limit on the number of stories. 11-G DCMR § 403.1. The maximum permitted FAR is 3.5, with up to 4.2 FAR for IZ projects, and with a maximum non-residential FAR of 1.5. 11-G DCMR § 402.1.

Under the PUD guidelines for the MU-5-A District, the maximum height is 90 feet and the maximum FAR is 5.04, with a maximum non-residential FAR of 2.01. 11-X DCMR §§ 303.7 and 303.3.

### **III. DESCRIPTION OF PROJECT**

The Applicant requests approval for a consolidated PUD, as shown on the PUD Plans and described below. The Project proposes development of a vacant site with a multifamily residential building, including ground floor retail and four two-story, artist live-work spaces. The Project has been designed to fit within its unique setting and respond to the various contexts for each façade.

#### **A. Design Approach**

The Site is surrounded by established residential developments to the northwest, the Eckington Yards project to the west, and the WMATA tracks and industrial uses to the north and east. To the south and east of the Site will be the South Park and the East Park. Due to this unique siting, the building has been designed in a pentagonal shape, with a central landscaped courtyard onto which interior units will front and with five finished sides to respond to each of the varied contexts.

The design of the northern façade of the building wraps to the Harry Thomas Way frontage at the northwest corner and around for the length of the east façade fronting the East Park. This façade type is comprised of red bricks with larger windows, consistent with the more

industrial uses facing the railroad tracks. At the northwest corner of the Site, the building height is lowered to 70 feet, and the façade contains lowered balconies and a dropped minor cornice. This design reduces the scale of the building and relates well to the lower scale residential development to the northwest of the Site. The retail space at the corner of Harry Thomas Way and R Street is animated with an articulated storefront and a large canopy.

Along the East Park, the red brick façade continues, with a large canopy extending over the walkway which leads to the two-story, artist live-work spaces. This canopy will include plantings to visually connect the building to the East Park. In addition, nine two-story loft units (four of which will be artist live-work spaces) will front on and have direct access to the East Park, further activating the East Park. A chamfered corner tower design has been incorporated, and balconies have also been incorporated as part of the façade to give it a more residential appearance. The building is lowered at the southeast corner to allow for an outdoor terrace, which adds activity overlooking the East Park and South Park. The south-facing wall of the 6<sup>th</sup> floor terrace may be used for decorative art to create visual interest when viewed from the South Park.

Along Harry Thomas Way, three distinct façades have been incorporated between the two corner designs to anchor the project and to break down the scale of the façade. The first façade type is a contemporary design to respond to the contemporary design of Eckington Yards proposed across the street. Simple punched windows with a unique brick detail animate this façade. This portion of the façade is also slightly recessed from the adjacent street plane to help enliven the street wall, creating a more pedestrian-friendly streetscape along Harry Thomas Way.

The second façade type changes to a glassy storefront base with residential amenities behind, an articulated middle, and a glassier and lighter top floor. Again, the more contemporary

design responds to the proposed buildings across Harry Thomas Way and further reinforces Harry Thomas Way as a pedestrian and retail-focused street. The horizontal mullions in the windows and Juliet balconies help articulate this façade and distinguish it from the other proposed façade designs.

The third façade type is clad with a red brick. It is symmetrically composed and anchored by a large canopy at the base which covers the main residential entry. A lowered band at the sill of the 7<sup>th</sup> floor creates a continued building line with the adjacent façade designs, and a decorative cornice caps off the top of the building.

The southwest corner has a prominent location because it is at the edge of the South Park and directly to the east of the terminus of Eckington Yards' pedestrian alley. To anchor the base of the building, the materials include dark grey brick with large openings for the ground floor storefront. Recessed storefronts add an opportunity for outdoor dining adjacent to the South Park. The symmetrical façade on the southwestern portion step backs on the upper floor to create a similar height to the Eckington Yards project immediately across the street. The southern façade is articulated with two pavilions that are one story shorter than the overall building and separated with a landscaped trellis at the second floor. The ground floor retail space has been designed to open onto the South Park and provide opportunities for activation and connectivity.

## **B. Circulation, Parking and Loading**

In order to focus pedestrian activity on Harry Thomas Way, which provides access to the South Park and to the retail uses for both the Project and Eckington Yards, the primary residential entrance is located on Harry Thomas Way. A secondary residential entrance is located from a walkway fronting the South Park. Retail entries are located along Harry Thomas Way and the walkway fronting the South Park.

All access to parking for the Project is from R Street, N.E. While R Street dead ends at the WMATA tracks, a private driveway extending to north provides access to the industrial uses abutting the tracks. Locating the parking entrance away from Harry Thomas Way minimizes pedestrian and vehicular conflicts. The below-grade parking garage provides approximately 124 parking spaces, which exceeds the 60 spaces required for the Project. 11-C DCMR § 702.1.

Loading is also accessed from R Street, N.E. The Project includes two loading berths at 30 feet and two 100 square foot platforms. This proposed loading satisfies the requirements of the Zoning Regulations, which require one loading berth at 30 feet, one service/delivery space at 20 feet, and one 100 square foot platform. The loading will be shared among the uses per Subtitle C § 901.8 of the Zoning Regulations. In order to minimize conflicts between trucks accessing the Site and bicyclers using R Street to access the MBT, the loading berth has been designed to achieve front-in/front-out loading access.

The Project includes 174 long term bicycle parking spaces in an enclosed bike storage area in the below-grade garage and will include 30 short term bicycle parking spaces in the public space adjacent to the Site. This amount of bicycle parking exceeds the 111 bicycle parking spaces and 20 short term bicycle parking spaces required for the Project under the Zoning Regulations.

**C. Streetscape and Landscape**

The streetscape and landscape design for the Project fosters a pedestrian-friendly environment along the perimeter of the Site and creates a seamless integration with the proposed East Park and South Park. The Applicant is coordinating the streetscape and landscape design with NPF and its team of designers to provide connectivity and activity along all frontages.

With development of the Project, the streetscape along Harry Thomas Way will be significantly improved to include a 6-foot wide continuous tree amenity zone, an 8-foot

sidewalk, and a 3-foot to 15-foot building zone. While no sidewalk currently exists on R Street, the new development will include construction of a 6-foot wide continuous tree amenity zone, a 7.5-foot sidewalk, and a 14-foot wide building zone. The building zone will include hardscape areas for the retail frontage and lobby as well as areas of softscape interspersed throughout the frontage. Access to parking and internal front-in/front out loading is consolidated on R Street.

In addition, the Project includes a variety of outdoor amenities to serve residents of the Project including a landscaped courtyard with a pool, sunning deck, and seating areas that are extensions of the clubroom and fitness areas. Another important outdoor amenity is the provision of a rooftop terrace that overlooks the East Park and South Park, which has been designed as an extension of the interior amenity facility located on the sixth floor.

**D. Sustainable Design Elements**

The Project is designed to integrate a host of sustainable features and will be designed to achieve a minimum of 55 points, which is greater than LEED-NC Silver. See Sheet G12 of the PUD Plans. The Site itself is located in a connected, previously-developed neighborhood with connections to existing infrastructure, services and public transportation options, such as the MBT, which is a vital artery for alternative forms of transportation and commuting throughout the District.

The Project includes a variety of strategies to satisfy the GAR and stormwater management requirements such as an expansive green roof, bio-retention planters, and permeable pavers. The Project also includes low-flow plumbing fixtures, Energy Star rated appliances, and additional energy efficiency measures such as advanced insulation. Material selection for the Project includes low-and no-VOC components and Green Label flooring. The Project also will include a robust waste management and recycling program.

**E. Flexibility Under PUD Guidelines**

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. In this application, the Applicant has attempted to comply with all aspects of the Zoning Regulations for the MU-5-A District. However, the Applicant seeks flexibility from side yard requirements of the Zoning Regulations, as described below. As permitted by 11-X DCMR § 303.1, the Commission may grant such flexibility in its discretion.

The Applicant requests flexibility to have a side yard of five feet where 13 feet, 10 inches is required pursuant to Subtitle G § 406.1 of the Zoning Regulations. In the MU-5-A District, no side yard is required, but if a side yard is provided, it must be at least two inches wide per foot of building height, but not less than five feet wide.

The reduced side yard will not result in any adverse impacts to the open space on the Site or nearby properties, since the side yard is located on the south frontage and adjacent to the South Park. A side yard is being provided in order to construct a code-required walkway between the Site and the South Park. This walkway will provide access to the retail uses and the secondary residential entrance. It will also provide bike and pedestrian access to shuttle elevators connecting to the below-grade parking garage. The walkway will not be perceived as a side yard because it will open on to the large South Park. The Applicant is working closely with NPF in order to integrate this walkway with the overall design of the South Park.

In addition, the Applicant has made every effort to provide a level of detail that conveys the architectural significance of the Project and only requires minimal flexibility from the requirements of the Zoning Regulations. Nonetheless, some flexibility is necessary to address potential issues that arise during construction and other issues that cannot be anticipated at this time. Thus, the Applicant requests flexibility in the following areas:



1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
2. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction;
3. To increase the final number of residential units by no more than 5% above the total number approved to respond to market demand, or to decrease the final number of residential units within the approved gross floor area in order to accommodate demand for larger units;
4. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the DDOT Public Space Division;
5. To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the number of parking spaces provided is at least the minimum number of spaces required by the Zoning Regulations;
6. To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, venting, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals;
7. To modify or revise the landscape design of the East Park so long as no portion of the principal building extends into the area of the East Park and that the East Park is maintained only for the realignment of the MBT, a dog park, and related open space;
8. To locate retail entrances in accordance with the needs of the retail tenants and vary the façades as necessary within the general design parameters proposed for the project and to vary the types of uses designated as “retail” use on the PUD Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)); and
9. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved PUD Plans.

**F. Tabulation of Development Data**

The Tabulation of Development Data for the Consolidated PUD is located on Sheet G07 of the PUD Plans submitted herewith.

**IV.**

**THE PROJECT MEETS THE STANDARDS OF THE ZONING REGULATIONS AND THE PUD REQUIREMENTS**

**A. PUD Requirements Under Subtitle X, Chapter 3 of the Zoning Regulations**

1. Area Requirements Under Subtitle X § 301.1

The Site is approximately 77,898 square feet in land area, or 1.79 acres. For a PUD in the MU-5-A District, the Zoning Regulations require a minimum land area of 15,000 square feet. 11-X DCMR § 303.1. As a result, the Project complies with the minimum area requirements.

2. Height and FAR Requirements Under Subtitle X § § 303.3 and 303.7

The Project has been evaluated under the PUD guidelines for MU-5-A District. A PUD in the MU-5-A District permits development of up to 5.04 FAR, of which no more than 2.01 FAR may be devoted to non-residential use, and a maximum height of 90 feet. The Project will have a total FAR of 4.0 (approximately 312,398 square feet of gross floor area), of which 0.20 FAR (approximately 8,380 square feet of gross floor area) will be devoted to non-residential uses. The maximum height of the building is 81 feet, 6 inches to the top of the roof and 83 feet to the top of the parapet, all in accordance with Subtitle B § 307.6 of the Zoning Regulations. Accordingly, the Project complies with the height and FAR guidelines for a PUD in the MU-5-A District.

3. Not Inconsistent with Comprehensive Plan Under Subtitle X § 304.4(a)

The proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The Future Land Use Map

designates the Site as mixed use for Medium Density Residential use and Production, Distribution and Repair use. The Generalized Policy Map identifies the significant majority of the Site within a Land Use Change Area, with a small area of the northern portion of the Site within a Neighborhood Conservation Area. The Project is consistent with both the Future Land Use Map and Generalized Policy Map designations. A detailed discussion of the Project's compliance with the Comprehensive Plan can be found in the analysis attached as Exhibit H.

4. Impacts of Project Under Subtitle X § 304.4(b)

The Project will have a favorable impact on the surrounding area. Overall, the Project will benefit the area with the addition of residential units, including affordable housing, in an area designated for medium-density residential use. The architectural design carefully considers the varied nearby uses, open spaces, and overall urban context. The Project supports the continued development of this neighborhood by providing new retail opportunities, artist live-work spaces, and an improved pedestrian experience at the street level. Moreover, the Site is well-served by public transportation, with close proximity to the NoMa-Gallaudet U Metrorail station. In addition, the Project is located adjacent to the MBT, which serves as a vital artery for bicycle transportation throughout the District.

In accordance with Subtitle Z § 401.8 of the Zoning Regulations, the Applicant will submit a Comprehensive transportation review (“CTR”) and transportation demand management (“TDM”) measures no later than 30 days prior to the date of the public hearing and will serve a copy of the report on the District Department of Transportation (“DDOT”).

Finally, the District’s existing water and sewer services are adequate to serve this facility.

**B. Public Benefits and Project Amenities**

The PUD guidelines require the evaluation of specific public benefits and project amenities for a proposed project. Public benefits are defined as "superior features of a proposed

planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the Site under the matter-of-right provisions...." 11-X DCMR X § 305.2. A project amenity is further defined as "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds attractiveness, convenience or comfort of the project for occupants and immediate neighbors." 11-X DCMR § 305.10. Additionally, when deliberating the merits of a PUD application, the Zoning Commission is required to "judge, balance and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case." 11-X DCMR § 304.3. Public benefits and project amenities may be exhibited in a variety of ways and may overlap with a furthering of the policies and goals of the Comprehensive Plan.

The Project will help achieve a number of the goals of the PUD process by creating a mixed-use, mixed-income, transit-oriented development with a thoughtful, high-quality, design that relates to and is compatible with the East Park and South Park, which are important neighborhood amenities. These and the other significant public benefits and amenities, described in more detail below, reflect and implement the goals of the PUD process, enhance the surrounding community, and benefit the District.

1. Landscaping, or creation or preservation of open spaces (11-X DCMR § 305.5(b))

The Project includes the creation of the East Park, which will be an approximately 20,050 square foot addition to the South Park to serve the surrounding neighborhoods. The East Park will be deeded to NPF for ownership and maintenance. The East Park will include the realigned MBT, a permanent and temporary neighborhood dog park, and open space.

As part of the Project, the Applicant will construct a permanent neighborhood dog park within the East Park at its sole cost and expense, not to exceed \$150,000.00 in the aggregate. The permanent neighborhood dog park will be constructed in accordance with plans approved by NPF. Prior to the construction of the permanent neighborhood dog park, the Applicant will also provide a temporary neighborhood dog park in the East Park during construction of the Project.

The Project has been designed to relate to the abutting park spaces on both the east and south facades. Outdoor terrace spaces front on the South Park, providing views both to and from the South Park. The Project also includes an approximately 9,745 square foot central green courtyard that will increase the amount of open space, light and air available to the residents of the Project. The central green courtyard includes a pool for the building's residents.

2. Transportation Features (11-X DCMR § 305.5 (o))

The Applicant will realign the MBT as it crosses the Site through the East Park. The realignment results in the elimination of the hard right angle along this portion of the MBT, creating a more gentle curve to access the MBT to north of R Street. The realignment will increase safety on the MBT for all District residents who utilize this vital form of transportation to commute and travel throughout the city.

The Project is an excellent example of "Smart Growth" in a neighborhood that is full of alternative transportation modes, including Metrorail, bicycle, and walking, and has been designed to create safe vehicular and pedestrian access and to use the existing public transportation. In addition to its proximity to the MBT, the Project is proximate to multiple bus routes and has access to the NoMA-Gallaudet U Metrorail station.

3. Uses of special value to the neighborhood or the District of Columbia as a whole (11-X DCMR § 305.5(q))

The Applicant will fund improvements for the South Park in the amount up to \$350,000. The improvements may include food service kiosks, public art, and/or a performance amphitheater. All improvements will be coordinated with NPF and will be for the benefit of the general public. Additional details will be provided as the Applicant further works with NPF to further define these improvements.

4. Housing (11-X DCMR § 305.5(f)) and Affordable Housing (11-X DCMR § 305.5(g))

The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Future Land Use Map. Overall, the Project will replace a vacant site with approximately 328 units. This exceeds the amount that would have been provided if the Site was developed as a matter-of-right under the existing PDR zoning as no multifamily residential use is permitted in PDR Districts. *See* 11-X DCMR § 305.5(f)(1).

Furthermore, the Project will set aside 8% of the gross floor area (approximately 19,945 square feet of gross floor area) reserved for households earning equal to or less 60% of the median family income (“MFI”), in accordance with the recently adopted IZ regulations that take effect on June, 5 2017. If the IZ units were set aside pursuant to the current IZ regulations, they would be reserved for households earning equal to or less than 80% of the area median income (“AMI”). As a result, the Project creates IZ units that are reserved at the deeper levels of affordability in accordance with the District’s new goals for IZ. In addition, this affordable housing represents a substantial increase in the amount of affordable residential floor area when compared to the fact that no affordable housing would be generated if the Site was developed as a matter-of-right. *See* 11-X DCMR § 305.5(g) (“Affordable housing; except that affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C,

Chapter 22, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning.”)

The Applicant will also reserve a minimum of 10 two-bedroom units as IZ units within the 8% set aside, which will likely be more than 50% of the provided IZ units. These larger units will provide opportunities for affordable housing for families.

In addition, the Project proposes a minimum of four artist live-work spaces, directly opening up on to the East Park. These units will be designated as being affordable for households earning equal to or less 60% of the MFI. This additional space equals approximately 5,400 square feet, to increase the amount of affordable housing overall to more than 10% of the Project.

A detailed chart setting forth the Inclusionary Zoning Calculations is included on Sheet G07 of the Plans.

5. Urban Design and Architecture (11-X DCMR § 305.5(a)); Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c))

The Project was designed to be compatible with the adjacent residential community and to enhance both the East Park and South Park, since the Site sits at the confluence of these two important neighborhood amenities. The artist live-work studios front on the East Park to increase the activity of this new neighborhood amenity. The building design is also sculpted away from the neighboring residences to the northwest, since the building height steps down to 70 feet at its northwest corner. In addition, the replacement of a vacant and utilized site with the Project constitutes a significant benefit since it increases safety in the Eckington neighborhood by providing extra eyes on the East Park and South Park. The Project will also bring the Site into compliance with the goals of the Future Land Use Map and Comprehensive Plan.

6. Streetscape Plans (11-X DCMR § 305.5(1))

The Applicant has focused on creating a pedestrian-friendly streetscape, especially along Harry Thomas Way and along the East Park and South Park. The design proposal includes substantial streetscape improvements including new paving for the sidewalks, street lighting fixtures, new and replacement shade trees, and 30 bike parking spaces.

**V.**  
**COMMUNITY AND OFFICE OF PLANNING OUTREACH**

Pursuant to 11-Z DCMR § 300.7, the Applicant mailed a Notice of Intent to file the subject application to the owners of all property within 200 feet of the perimeter of the Site and to Advisory Neighborhood Commission (“ANC”) 5E on January 9, 2017, more than 45 days prior to the date of this application. Since then, the Applicant has been working closely with ANC 5E and other community stakeholders to ensure that the Project provides a positive impact to the immediate neighborhood and is designed to be consistent with community goals. The Applicant presented the application to Eckington Civic Association on January 9, 2017, and ANC 5E March 21, 2017.

In addition, the Applicant served the Notice of Intent on ANC 5C on February 21, 2017, also more than 45 days prior to the date of this application. The Applicant does not believe that ANC 5C is an “affected ANC” pursuant to 11-C DCMR § 100.2 because a small lot (Lot 804, Square 3581) separates the Site from the boundary with ANC 5C. However, the Applicant wants to ensure that all stakeholders had notice and the opportunity to participate. Therefore, the Applicant sent the Notice of Intent and has reached out to ANC 5C via phone and e-mail regarding the Project.

Finally, the Applicant initially met with the Office of Planning in August, 2016, to review the proposed project. The Applicant again met with the Office of Planning on January 11, 2016,



to review the project in a similar form to what is submitted herewith. The Applicant will continue to work with the Office of Planning throughout the process of review.

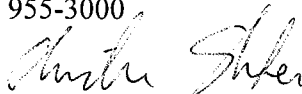

**VI.**  
**CONCLUSION**

For the foregoing reasons, the Applicant submits that the PUD plan meets the standards of Subtitle X, Chapter 3 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be approved by the Zoning Commission. Accordingly, the Applicant requests that the Zoning Commission approve the PUD application and the concurrent change in zoning.

Respectfully submitted,

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