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September 28, 2007

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

**Re: Supplemental Filing for Zoning Commission Case No. 05-23A
(Consolidated PUD – NoMa West I, LLC)**

Dear Members of the Zoning Commission:

In accordance with Section 3013 of the Zoning Regulations, we respectfully submit this supplemental filing in support of the above-referenced application, which is scheduled to be heard before the Commission on October 18, 2007. Specifically, we have enclosed for your consideration one original and twenty copies of a statement and exhibits, which includes revised architectural drawings, an updated description of the project design, the proposed modifications to certain conditions of the original Zoning Commission Order, and a discussion on the Applicant's community outreach efforts.

We remain hopeful of the Zoning Commission's favorable review of the PUD application. Thank you for your considerate attention to this matter.

Sincerely,

HOLLAND & KNIGHT, LLP

Leila M. Jackson Batties

Leila M. Jackson Batties

Cc: Advisory Neighborhood Commission 5C (c/o Ms. Anita Bonds, w/enc.)
Ms. Jennifer Steingasser, Office of Planning (via hand delivery, w/ enc.)
Mr. Stephen Cochran, Office of Planning (via hand delivery, w/ enc.)
Mr. Abdoulaye Bah, Dept. of Public Works,
Office of Policy & Planning (via hand delivery, w/ enc.)
Mr. Kenneth Laden, Dept. of Transportation (via hand delivery, w/ enc.)

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ZONING COMMISSION
District of Columbia
EXHIBIT NO. 19
CASE NO. 05-23A
EXHIBIT NO. 19

ORIGINAL

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

**SUPPLEMENTAL FILING
NOMA WEST RESIDENTIAL I, LLC
IN SUPPORT OF A PROPOSED MAJOR MODIFICATION
TO PLANNED UNIT DEVELOPMENT**

ZONING CASE NO. 05-23A

September 28, 2007

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**ZONING COMMISSION
District of Columbia**

CASE NO. 05-23A
EXHIBIT NO. 19A

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Revised Drawings	A
Zoning Commission Order No. 05-23	B
Development and Construction Management Plan	C
Memorandum of Understanding	D
First Source Employment Agreement	E
Letters of Support	F
Resumes of Experts Testifying on Behalf of Applicant	G

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I. INTRODUCTION

This statement is submitted on behalf of NoMa West Residential I, LLC (the "Applicant") in accordance with Section 3013 of the Zoning Regulations, in support of its application for a major modification to the planned unit development approved at Eckington Place and Harry Thomas Way, N.E., in Square 3576, Lot 815 (the "Approved PUD"), pursuant to Z.C. Order No. 05-23, which is attached as Exhibit B (the "Zoning Commission Order"). It includes an updated discussion on the project description, proposed modifications to certain conditions of the Zoning Commission Order, and a discussion on the Applicant's community outreach efforts.

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 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 for 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"). The Modified PUD has a reduction in 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 consists of approximately 592,610 square feet of floor area with 600 dwelling units (plus or minus 7%) and approximately 1,000 square feet of ground floor retail. 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 – Buildings 100, 200 and 300, respectively. Building 100 will be at the northwest section of the property and will have approximately 123,460 square feet of gross floor area. Building 200 will be at the northeast section of the property and will have approximately 213,710 square feet of gross floor area. Building 300 will run along the southern boundary of the property and have approximately 255,440 square feet of gross floor area. The retail space will be located in Building 300 at the corner of Eckington Place and Harry Thomas Way. Building 200 will be the tallest of the three buildings, and will have a maximum height of approximately 64 feet – 6 inches, which is 45 feet lower than the apartment buildings for the Approved PUD. The project will be served by below-grade parking garages, and will have a minimum parking ratio of .9 parking space per dwelling unit,¹ 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 147,341 square feet.

¹ In the prehearing statement filed August 7, 2007, the Applicant proposed a parking ratio of .8 space per dwelling unit.

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-street parking will be available on one side of the Q Street extension. Also, notwithstanding the reduced density for the Modified PUD, the Applicant will fulfill the obligations set forth in the community benefits and amenities package for the Approved PUD. The Applicant also agrees to implement the inclusionary housing commitment standards previously submitted to the Zoning Commission with the application statement filed June 7, 2007.

The Modified PUD, to be known as Eckington One, is a unique opportunity to enhance the existing Eckington 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 contemporary designs surrounding the Property.

The heart of the project will be the Q Street extension, from Eckington Place to Harry Thomas Way, which is envisioned as a tree-lined, animated street with pedestrian friendly buildings, intimate gardens, and on-street parking. The streetscape is designed with the appearance of several individual facades within each of the three buildings. The designs of the facades progress from traditional forms at Eckington Place to more contemporary treatments as one moves into Q Street and travels toward Harry Thomas Way. The design at the edge of the existing neighborhood near Eckington Place is inspired by industrial buildings and apartment buildings in the surrounding neighborhood, which help to ease the transition into a more hip urban style internal to the project. All three buildings in the Modified PUD will have multiple 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 small park 4,123 square feet and will be accessible to the public for both 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 the buildings in the Modified PUD 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 designed to represent a group of three buildings in styles relating to warehouses of the late 19th and early 20th century. The first mass is designed with simple, clean lines and expansive windows that evoke a brick mill or warehouse from the Victorian era. The second mass takes on a slightly more industrial appearance, with bay windows in a metallic finish that recall industrial buildings of the 1920's and 1930's. The final elegant brick mass employs the horizontal window banding of the 1950's and 1960's to turn the corner into the plaza area above the parking deck. Neutral recessed bays separate the three masses of the building. The warehouse style delivers the chic, sought-after urban style of living that has recently gained in popularity, and the styles progress toward the more contemporary architecture of Building 200 at the heart of the development. Like the other buildings in the project, Building 100 will have two expansive courtyards 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 1,000 to 5,000 square feet will anchor the corner of the building opposite the proposed park. This building uses similar materials and expansive windows to relate to Building 100, but adds a layering to the different surface materials on the façade to create patterns that add a dimension of modernism. This subtle interjection of contrast with Building 100 adds interest to Q Street by enhancing the feeling of a neighborhood created over time. The height of Building 200 will be approximately 65 feet – 6 inches.

Building 300, situated along the southern edge of the property, will have two main resident lobbies, one with approximately 3,000 to 6,000 square feet of clubhouse space. The two lobbies reflect the division of the overall mass into two smaller "buildings" similar to Building 100. The "building" closest to Eckington Place is

anchored by a round corner that eases one from the surrounding neighborhood into the new community. The style of this mass is reminiscent of older apartment buildings of the 1930's. The "building" closest to Harry Thomas Way is designed in a style that uses the same materials in a more modern way, to relate to Building 200 directly across Q Street. Private terraces will be provided on the ground floor units of Building 300, which will have a height of approximately 61 feet.

3. Alternative C-3-A Zoning

At setdown, the Zoning Commission stated that the hearing advertisement should consider both the C-3-C District or the C-3-A District for the PUD site. The Modified PUD complies with the density, height, lot occupancy, parking, loading and rear yard requirements of both the C-3-C and the C-3-A District. While a side yard is not required in either the C-3-C District 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. 11 DCMR § 775.5. 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, the Applicant has no objection to the C-3-C District zoning approved for the site pursuant to the decision in Zoning Commission Case No. 05-23, or a decision by the Zoning Commission to rezone the site to the C-3-A District.

II. PROJECT DESCRIPTION

A. Zoning and Development Data

A table showing the revised zoning and development data for the project is provided on Sheet 139 of the enclosed drawings.

B. Project Design

1. Building Façade and Surface Material. As discussed earlier, the larger masses of the buildings are broken down into smaller facades with different

architectural styles. Neutral recessed bays separate the different smaller facades within each building mass. Brick and glass, the predominate façade materials, help the development to relate to the surrounding neighborhoods. Cementitious board and battens create accent panels in key locations around window bays or upper stories. Cementitious board with recessed reveals provide simple interesting detail in the transitional recessed areas, and in some accent areas within the more contemporary facades. Finally, a small amount of metal panel creates an accent surface and provides a statement at some of the amenity/lobby towers.

2. Ground Floor Retail. In response to concerns about the lack of local retail services in proximity to the PUD site, the Applicant has revised the project to include approximately 1,000 square feet of ground floor retail in Building 300, at the intersection of Eckington Place and Harry Thomas Way.

3. Parking Ratio. Members of the Eckington Civic Association and Advisory Neighborhood Commission 5C (the "ANC") expressed concern about the availability of sufficient off-street parking for residents of the project given the amount of development occurring in proximity to the PUD site. In response, the Applicant has increased the parking ratio for the project from .8 to a minimum of .9 parking space per dwelling unit. This parking ratio exceeds the parking requirement for the C-3-C District, which is 1 space for each 4 dwelling units, and the requirement for the C-3-A District, which is 1 space for each 2 dwelling units, but is less than the ratio of 1.2 to 1.3 proposed for the approved PUD. The proposed parking is sufficient to support the project, especially given the project's proximity to the Metrorail Station.

4. Lot Occupancy. 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, the Modified PUD has 24,485 square feet of useable open and green space where the Approved PUD has only 20,995 square feet of useable open and green space. Also, an added community benefit to the useable open space available in the Modified PUD is that

a portion (approximately 4,123 square feet) will be accessible to the public via the small park proposed at the southeast corner of the project.

C. Q Street Extension

The cross section for the Q Street extension is depicted on Sheet 140 of the enclosed drawings. OP and DDOT have confirmed that the proposed Q Street extension is not wide enough to be dedicated as a public street under the current DDOT regulations. Therefore, the Q Street extension shall remain private until such time as the regulations permit the dedication of the roadway. Notwithstanding, the Applicant agrees that the construction and maintenance of the Q Street extension shall be in accordance with the current DDOT standards and subject to regular DDOT inspections.

III. PROPOSED MODIFICATIONS TO CONDITIONS OF ZONING
COMMISSION ORDER

A. Contribution to Harry Thomas Recreation Center

Condition No. 2 of the Zoning Commission Order requires the Applicant to make a contribution of \$10,000 to the Harry Thomas Recreation Center for the purchase and installation of a new scoreboard. However, this expense will be covered by the developer of the Washington Gateway PUD, which will be constructed east of the intersection at New York and Florida Avenue. Mr. Lionel Taylor, the executive director of the recreation center, suggested the Applicant's contribution be used for the purchase of new supplies and materials. The Applicant has no objection to this suggestion, and respectfully requests that the second paragraph of Condition No. 2 of the Zoning Commission Order be modified to read as follows:

- “Harry Thomas Recreation Center – The Applicant shall make a contribution of \$10,000 to the Harry Thomas Recreation Center. The contribution shall specify that the funds may only be used for the purchase of new materials and supplies for the center.”

B. Development and Construction Management Plan

The Applicant agrees to abide by the Development and Construction Management Plan attached as Exhibit C of this statement, which has been slightly modified from the one accepted by the Zoning Commission for the Approved PUD. The primary modification to the Plan is that the role of the Neighborhood Contract Person is more defined.

C. Location of Zip Car Parking Spaces

Condition No. 5 of the Zoning Commission Order requires seven car sharing parking spaces, which is equal to .8% of the total parking spaces for the Approved PUD. The Applicant agrees to maintain this ratio by providing five car sharing spaces for the Modified PUD. Also, in order to minimize security risks for residents of the project, the Applicant desires that all of the car sharing spaces be located on the street. In light of the foregoing, the Applicant requests that Condition No. 5 of the Zoning Commission Order be revised as follows:

FROM:

"5. The project will shall [sic] include seven parking spaces for exclusive use by Zip Car or a similar car-sharing company. Four of the car-sharing spaces will be located on the street, and three of the car-sharing spaces will be located in the parking garages included in Buildings 1-3. Three of the seven cars provided in the project shall be reserved for hybrid or low emissions vehicles will be hybrid or low emissions vehicles [sic]. Two of the on-street, car-sharing parking spaces, and one of the car-sharing parking space in the commercial parking lot of Building 1 shall be provided at the time of the construction of Building 1, the extended Q Street and the townhouse structures."

TO:

"5. The project shall include five on-street parking spaces for exclusive use by Zip Car or a similar car-sharing company. Two of the five cars provided in the project shall be reserved for hybrid or low emissions vehicles. Two of the car-sharing parking spaces shall be provided at the time of the construction of Building 100 and the Q Street extension."

D. Metropolitan Branch Trail Connection and Signal at Rhode Island Avenue and 3rd Street, N.E.

The OP report, dated July 20, 2007, 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.

DDOT has confirmed that it is willing to accept a monetary contribution of \$55,000 from the Applicant for the design and construction of the proposed Metropolitan Branch Trail connection so long as the Applicant agrees to also contribute \$25,000 to DDOT for the design and construction of a signalized intersection at Rhode Island Avenue and 3rd Street, N.E. The Applicant agrees to make said contributions prior to the issuance of the first building permit for the project and, therefore, requests that Conditions No. 9 and 10 of the Zoning Commission Order be revised as follows:

FROM:

"9. The Applicant shall design and construct a connection to the Metropolitan Branch Trail consisting of a ten (10) foot wide path, pedestrian solar scale lighting, and call box(es). The Applicant shall enter into an agreement with DDOT and the District Office of Partnerships and Grants Development (OPGD), regarding the Applicant's construction of the connection to the Metropolitan Branch Trail. The proposed construction of the connection to the Metropolitan Branch Trail shall 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 Applicant shall contribute the balance to the organizations listed as receiving financial contributions in Paragraph 2 above. No Certificate of Occupancy for the first building shall be issued until DDOT provides a written statement to the Zoning Administrator indicating that the construction has been accepted by DDOT.

10. The Applicant shall make a financial contribution to DDOT for the design and construction of a signalized intersection at Rhode Island Avenue and 3rd Street, N.E. The amount of the financial contribution shall be commensurate with the percentage of traffic that this project contributes to that intersection, but not less than \$25,000. The requirement for the Applicant to provide such a financial contribution shall be triggered by DDOT's submission of a letter to the Applicant and

the Zoning Commission indicating DDOT's formal decision to construct the traffic signal and the time period in which design and construction is to be completed. The Applicant shall provide such payment within 30 days after receipt of DDOT's letter, but not earlier than the issuance of a building permit for the first residential building on the Subject Property."

TO:

"9. The Applicant shall make a contribution of \$55,000 to DDOT for the design and construction of a connection to the Metropolitan Branch Trail consisting of a 10-foot wide path, solar scale lighting, and call box(es). No building permit shall be issued for the project until DDOT provides a written statement to the Zoning Administrator acknowledging such payment.

10. The Applicant shall make a financial contribution of \$25,000 to DDOT for the design and construction of a signalized intersection at Rhode Island Avenue and 3rd Street, N.E. No building permit shall be issued for the project until DDOT provides a written statement to the Zoning Administrator acknowledging such payment."

E. Memorandum of Understanding

The Applicant agrees to enter into a Memorandum of Understanding (the "MOU") with the Department of Small and Local Business Development in substantial conformance with the MOU attached as Exhibit F of Exhibit 13 of the record for Zoning Commission Case No. 05-23. A copy of said MOU is attached as Exhibit D of this Statement. In the event that said form is not accepted by the agency, the Applicant respectfully seeks to withdraw said proffer.

F. First Source Employment Agreement

The Applicant agrees to enter into a First Source Employment Agreement with the Department of Employment Services in substantial conformance with the agreement attached as Exhibit E of this statement.

G. Timing for Building Permits

The Applicant agrees to comply with Condition No. 15 of the Zoning Commission Order. However, since the project only has three buildings, the condition should be modified to read as follows:

"15. The PUD shall be valid for a period of two (2) years from the effective date of Zoning Commission Order No. 05-23. Within such time, an application must be filed for a building permit for the construction of the extended Q Street through the property and one of the three residential buildings. The filing of the building permit application will vest the Zoning Commission Order. If the building permit application does not include all three residential buildings, the application shall include a phasing plan for the remaining construction. An application for the final building permit completing the development of the approved PUD project must be filed within seven (7) years of the issuance of the final certificate of occupancy for the first building.

IV. ADDITIONAL INFORMATION PROVIDED BY APPLICANT

A. Community Outreach

The Applicant has undertaken extensive community outreach efforts in connection with the Modified PUD. The Modified PUD was presented to the Eckington Civic Association on August 14, 2007, ANC 5C on September 18, 2007, and the Edgewood Civic Association on September 24, 2007. Also, the Applicant and its representatives have discussed the Modified PUD with representatives from North Capitol Main Street, Inc., City Year, Matthew G. Emery Elementary School, the Harry Thomas Center, McKinley Tech Fund, and Regional Addiction Prevention, Inc. ("RAP").

Attached as Exhibit F of this statement are letters of support for the Modified PUD application from the Eckington Civic Association, City Year, Matthew G. Emery Elementary School, McKinley Tech Fund, the Harry Thomas Center, North Capitol Main Street, Inc. and RAP.

The ANC will vote on the Modified PUD application at its October 16th meeting.

B. Experts Testifying on Behalf of Applicant

The resumes of those experts that may testify on behalf of the Applicant are attached as Exhibit G.

V. CONCLUSION

In accordance with Section 3013 of the Zoning Regulations, this 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

HOLLAND & KNIGHT LLP

By: Norman M. Glasgow, Jr.
Norman M. Glasgow, Jr. *lsw*

By: Leila M. Jackson Batties
Leila M. Jackson Batties *LSB*

By: Steven E. Sher
Steven E. Sher, Director of Zoning
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