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VIA IZIS AND HAND DELIVERY

D.C. Zoning Commission
441 4th Street, N.W., Suite 210
Washington, DC 20001

**Re: Z.C. Case No. 17-09 – Eckington Park (Square 3581, Lot 15)
Post-Hearing Submission**

Dear Members of the Commission:

On behalf of FP Eckington Holdings, LLC, the Applicant in the above-referenced case, we hereby submit this Post-Hearing Submission responding to those specific questions and issues raised by the Zoning Commission at the December 14, 2017, public hearing.

Artist Live-Work Units and Affordable Housing

Consistent with the Mixed Use: Medium Density Residential / PDR Future Land Use Map designation, the project is a mixed-use project containing residential, retail, and artist live-work unit. The Applicant has continued to work with the Office of Planning since the hearing, and in response to the Office of Planning's concerns raised at the hearing, the Applicant has agreed to provide an additional artist live-work unit reserved for local artists earning equal to or less than 60% of the MFI, which will remain affordable for the life of the project. This additional artist live-work unit increases the amount of PDR uses provided in the project to an amount that the Office of Planning believes is sufficient to address the mixed-use designation of the Comprehensive Plan's Future Land Use Map. An updated Zoning Analysis, Sheet G07, is attached as Exhibit A, and the affordable housing plan showing the location of the additional artist live-work unit is attached as Exhibit B.

In addition, the incorporation of another affordable artist live-work unit results in an increase of the overall amount of affordable housing in the project, which supports the policies for additional affordable housing about which the Office of Planning testified at the hearing. Specifically, the Applicant now commits to reserving 10.7% of the residential square footage of the project as affordable housing (8% for Inclusionary Zoning ("IZ") and 2.7% for artist live-work units). This amount of 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 property 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.”)

While the additional artist live-work unit will result in the elimination of one three-bedroom unit on the ground floor of the building, the PUD still includes a substantial number of two and three-bedroom units to support the housing policies of the Comprehensive Plan. Overall, approximately 38% of the units in the project are proposed to be two- and three-bedroom units. Additionally, the Applicant has committed to reserve 14 two-bedroom units and 4 three-bedroom units as IZ units. Thus, the PUD and requested Zoning Map amendment is not inconsistent with the Comprehensive Plan since it furthers *Policy H-1.3.1: Housing For Families*, which encourages providing a larger number of housing units for families with children by encouraging new three-bedroom apartments and is also not inconsistent with the property’s designation as PDR on the Future Land Use Map. *See* 10A DCMR § 505.6.

Responsive Information to the Department of Energy and the Environment ("DOEE")

In its report (Exhibit 29 of the record), DOEE did not have any comments regarding the PUD’s height, bulk, or setbacks requested. DOEE stated that its only comments can be “fully addressed through any of DOEE’s normal regulatory review processes.” DOEE had the following recommendations for the project:

- DOEE’s Watershed Protection Division (WPD) recommended that the project capture a 1.7” rain storm event.
- DOEE’s Air Quality Division (AQD) recommends that the applicant consider using lower-emitting technologies to the extent possible to provide power, heating, and cooling.
- DOEE encouraged that the project incorporate solar panels that would generate a minimum of 1% - 3% of the buildings’ total energy use. DOEE also recommended that the applicant take advantage of financial programs and opportunities that would finance an increased commitment to sustainability.
- DOEE asks that this project increase its commitment to sustainability and achieve a minimum of LEED Gold certification under LEED v4.

The Applicant will continue to work with DOEE through their normal regulatory review process to address any of their open recommendations. With respect to stormwater management, the project will meet the regulatory requirements for retention and treatment of stormwater, as shown on Sheets CIV600 through CIV650 of the architectural drawings (the “Plans”) submitted with the Applicant’s Prehearing Submission (Exhibits 28A1-28A3 of the record). The Applicant will continue to work with DOEE during the permitting process to further refine the stormwater management plan.

As requested by DOEE, the Applicant will provide 1,500 square feet of solar panels on the roof of the building, which will generate approximately 1% of the building's total energy use. The solar panels have been oriented to maximize their southern exposure and to locate them in the most linear fashion. Accordingly, the Applicant can only commit to the proposed amount of solar panels as shown on the Plans. However, the Applicant will continue to work with DOEE during the permitting process in the event that additional solar panels or new technology can be incorporated into the project.

With respect to LEED v4, the Applicant registered the project with LEED during the initial design phase of the PUD. At the time of initial design and registration, the LEED standard was LEED NC-2009. As a result, the Applicant is committed to designing the PUD to the LEED Gold Standard under LEED NC-2009. Designing the PUD to LEED Gold is specifically identified as a public benefit in the Zoning Regulations and certification is not required to be considered a public benefit. (*See* Subtitle X § 305.5(k)(5) (“The project does not have to achieve actual LEED certification; however, the developer must include the LEED checklist and documentation in the application, approved by a LEED Accredited Professional (LEED-AP) that shows that the project will comply with LEED requirement.”) In addition, the applicable LEED standard at the time ZR16 went into effect was also LEED NC-2009. As a result, the Applicant's proffered environmental benefits meet the requirements of the Zoning Regulations. The Applicant, however, will evaluate different types of sustainable elements that can be incorporated into the project as it goes through the full design process, with the minimum commitment being as stated herein.

Skills and Training and Internships at McKinley Technology High School

Attached as Exhibit C is an outline of the Skills Training Program that the Applicant will offer during construction of the PUD. The Skills Training Program includes four on-site construction workshops over the two-year construction process for McKinley Technology High School students. In addition, the Applicant has committed to contributing \$25,000 to McKinley Technology High School, of which \$15,000 will be devoted to providing up to two summer internships for high-school aged students at McKinley Technology High School also described in the attached Exhibit C.

Update on Work with the Community

The Applicant has continued to work closely with the Office of Planning and the community, including Advisory Neighborhood Commission (“ANC”) 5E, the Eckington Civic Association (“ECA”) and various community stakeholders regarding the PUD. The Applicant presented its community benefits package to ANC 5E at its December 19, 2017, public meeting and the ANC agreed to vote on the final community benefits package at its January 16, 2018, public meeting after the allocation of the Applicant's contributions is finalized.

It is the Applicant's understanding that the single member district representative for the property, Commissioner Hannah Powell, and ECA President Katrina Velasquez, have contacted Michael Clark Sr. the President of the Edgewood Civic Association regarding the Edgewood Civic Association's inclusion generally in the review process for PUDs and specifically as it relates to this case. Mr. Clark was also present at the ANC's December 19, 2017, public meeting to discuss

the Applicant's community benefits package. Subsequent to that meeting, Mr. Clark recommended that the Applicant donate an additional \$2,500 for a TV and/or projector to support the programs at the Harry Thomas Way Recreation Center. The Applicant has agreed to the request from the Edgewood Civic Association and has now included those additional funds as part of its amenities and benefits.

Conclusion

The PUD satisfies the requirements for approval of a PUD outlined in Subtitle X § 304 *et. seq.* In deciding a PUD application, the Commission must judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case." Subtitle X § 304.3. Moreover, the Commission must find that the proposed development:

- a. Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;
- b. Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and
- c. Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.

Subtitle X § 304.4.

As stated by the Office of Planning at the public hearing, the Applicant's proffered public benefits and project amenities are significant and outweigh the relatively minor development incentives and flexibility requested by the Applicant. The Applicant is requesting 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. The only other flexibility requested by the Applicant is the zoning map amendment from the PDR-2 and PDR-4 Zone District to the MU-5-A Zone District. The PUD has a lower height and FAR than is permitted by the MU-5-A Zone District regulations. The maximum building height of 83 is consistent with the matter of right height under the current zone designation (i.e. 90 feet for PDR-4) and the maximum FAR of 4.03 is significantly less density compared to what would be permitted as a matter of right under the current zone designations, which is a blended FAR of 5.72.

The Applicant has proffered public benefits and project amenities in numerous categories outlined in the Zoning Regulations, including the provision of benefits that result in much-needed parks and open spaces. The project also includes an important affordable housing commitment, including large family-sized units as requested by the ANC and ECA. In addition, the Applicant has committed to contribute a total of \$62,500 to local schools, the Eckington Recreation Center, and Bloomington Civic Association, for specific priorities that can be fulfilled prior to the issuance

of a certificate of occupancy for the project. A detailed summary of the amenities and benefits proffered as part of the project are set forth in the chart attached as Exhibit D. A PUD may qualify for approval by being particularly strong in only one or a few of the categories listed in Subtitle X § 305 *et. seq.*, but must be acceptable in all proffered categories and superior in many. Subtitle X § 305.12. The Applicant's proffered public benefits and project amenities are particularly strong in the creation or preservation of open spaces and is acceptable or superior in all of the additional categories.

As stated by the Office of Planning at the public hearing, the PUD and related Zoning Map amendment is not inconsistent with the Comprehensive Plan. Since the public hearing, the Applicant has committed to providing an additional artist live-work unit which furthers the projects consistency with the Comprehensive Plan give then property's designation as PDR on the Future Land Use Map. Specifically, the provision of five artist live-work units is consistent with *Policy CW-2.8.2; East of the Tracks and Eckington Place Transition Areas*, which encourages the creation of a "production/arts and live-work, mixed use area east of the CSX railroad tracks between H Street NE and Florida A venue NE, and in the area east of Eckington Place and north of New York Avenue. 10A DCMR § 1618.10.

With respect to Subtitle X § 304.4(b) of the Zoning Regulations, neither the Zoning Commission nor the Office of Planning identified any unacceptable project impacts on the surrounding area but instead found the impacts to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project. Specifically, DDOT identified impacts that were capable of being mitigated and confirmed at the public hearing that the Applicant is committed to mitigating any unfavorable impacts resulting from the PUD.

We look forward to the Commission's consideration of this application for proposed action at its public meeting on January 29, 2017. Should you have any questions or need additional information, please do not hesitate to have Office of Zoning staff call me.

Sincerely,



Christine M. Shiker
Joseph O. Gaon

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2018, a copy of the Post-Hearing Submission was served on the following:

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