

**BEFORE THE**

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

**PREHEARING SUBMISSION**

**Z.C. Case No. 17-09**

**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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**August 15, 2017**

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**CERTIFICATION OF COMPLIANCE**  
**WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS**

The undersigned hereby certifies that, in accordance with Subtitle Z § 401 of the Zoning Regulations, ten (10) copies of the architectural drawings and two (2) copies of all of the other below information were filed with the Zoning Commission on August, 15, 2017; and, in accordance with Subtitle Z §401.5, the application shall not be modified less than twenty (20) days prior to the public hearing.

<b><u>Subtitle Z Subsection</u></b>	<b><u>Description</u></b>	<b><u>Page/Exhibit</u></b>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning and	Submitted herewith
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Exhibit B
401.1(c)	Summary of testimony of witnesses or reports and area of expertise	Exhibits C and D
401.1(d)	Additional information introduced by the Applicant	Submitted herewith
401.1(e)	Reduced plan sheets	Exhibit A
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit E
401.1(g)	Estimated time required for presentation of Applicant's case	Exhibit B
401.3(a)	Names and addresses of owners of all Property within 200 feet of the subject property	Exhibit F
401.8	Report by Traffic Consultant	To be submitted no later than 30 days prior to the hearing

Respectfully submitted,

HOLLAND & KNIGHT LLP

  
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Joseph O. Gaon

## LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Updated Architectural Sheets	A
List of Witnesses and Estimated Time Required For Presentation of Applicant's Case	B
Outlines of Testimony for Witnesses	C
Resumes of Expert Witnesses	D
List of Maps, Plan or Other Documents Readily Available Which Will Be Offered Into Evidence	E
Updated List of Names and Addresses of All Owners of Property Within 200 feet of the Site (plus two sets of labels submitted separately)	F
Public Space Committee Approval	G

**I.**  
**INTRODUCTION**

This Prehearing Statement and accompanying documents (the “Prehearing Submission”) 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 X, Chapter 4 and Subtitle Z of the 2016 District of Columbia Zoning Regulations.

The subject property consists of Lot 15 (also known for assessment and taxation purposes as Lots 805, 808, and 809) in Square 3581 (the “Site”). Square 3581 is bounded by the Washington Metropolitan Area Transit Authority 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.

The Zoning Commission considered this case for set down at its July 24, 2017, public meeting and voted to set the case for hearing. At that meeting, the Zoning Commission requested additional information regarding the building’s design and materials, including additional information about the amount of affordable housing being provided. This Prehearing Submission provides updated information in response to that request as well as information requested by the Office of Planning (“OP”). As is set forth below, this Prehearing Submission also meets the filing requirements under Subtitle Z § 401, and accordingly the Applicant requests that the Commission schedule a public hearing for consideration of this application.

**II.**  
**CLARIFICATIONS AND ADDITIONAL INFORMATION REGARDING THE DESIGN**  
**OF THE BUILDING**

The proposed PUD will have 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 “Project”). 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.

**A. General Design and Materials**

The Commission requested additional information regarding the Project’s design and materials. The Applicant met with the Office of Planning (“OP”) on August 9, 2017, to discuss potential refinements to the Project’s design. At this time, the Applicant is continuing to study the Project’s design and will provide a complete set of revised architectural plans not less than 20 days prior to the date of a public hearing on the application. In addition, the Applicant will provide a materials board at the public hearing.

Initial revised architectural sheets are submitted as Exhibit A. The revised sheets include precedent images, including images of the Hines School (sheets A24- A26), to evidence the design intent of the project and the direction in which the Applicant will revise design changes. In addition, a revised roof plan (sheet A05) is included to better depict the roof plan and the location

of the green roof. Specifically, the revised roof plan clarifies that no green roof is located below the mechanical equipment.

**B. 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, as shown on the LEED Scorecard included with the Applicant's initial submission. The Applicant will continue to work with its consultants and the District Department of Energy and the Environment to evaluate the environmental features of the buildings and Site. The Applicant will provide updates on this evaluation prior to the public hearing on this case.

**III.  
INCLUSIONARY ZONING**

The Commission and OP requested additional information regarding the amount of affordable housing for the Project, including additional information about the number of artist live-work spaces. The Project will contain approximately 19,945 square feet of gross floor area dedicated to affordable housing reserved for households earning equal to or less than 60% of the median family income ("MFI"), in accordance with the Inclusionary Zoning Regulations. Detailed IZ calculations are included on sheet G07 of the revised architectural sheets.

In addition, the Applicant proposes to reserve at least four of the nine two-story loft spaces that front on the East Park as artist live-work spaces. The artist-live work spaces will be reserved for local artists earning equal to or less 60% of the MFI and will remain affordable for the life of the Project. This equals at least 5,400 additional square feet affordable housing in the Project and increases the total amount of affordable housing to more than 10% of the Project. In addition, to support the District's goal of providing more family-sized affordable units, the Applicant will also reserve a minimum of 10 two-bedroom units as IZ units, which will likely be more than 50% of

the provided IZ units. The Applicant is continuing to evaluate the amount of affordable housing for the Project and will provide updated information prior to the public hearing on the application.

**IV.**  
**UPDATED INFORMATION REGARDING CONSISTENCY WITH THE**  
**COMPREHENSIVE PLAN**

The Future Land Use Map (“FLUM”) of the Comprehensive Plan (January 2013), adopted as part of the Land Use Element of the Comprehensive Plan for the National Capital, designates the Site as mixed-use, Medium Density Residential and Production, Distribution, and Repair (“PDR”). The Applicant will provide at least four two-story artist live-work spaces, all of which will be reserved for local artists with incomes equal to or less than 60% MFI. As a result, the Applicant is providing uses that further the Site’s PDR designation since artist live-work spaces are explicitly included within the Arts, Design, and Creation use category, and Arts, Design, and Creation uses are permitted in PDR Districts as a matter of right. See, Subtitle B § 200.2(e) and Subtitle U § 801.1(e). The Applicant is continuing to study the provision of additional uses that are consistent with the Site’s PDR designation, including whether the provision of additional artist live-work studios would support these planning goals. At this point, the Applicant believes that additional maker space in the designated retail space may not be the best way to achieve these goals given the proposed 77,184 square feet of maker space to be located across the street based on the PUD approved in Z.C. Case No. 15-15 and the need for more traditional retail to benefit the Eckington neighborhood. The Applicant will provide additional information as to compliance with these policy goals following additional work with OP and the community.

The OP Report states that although the Project would further the overall goals of the Environmental Elements of the Comprehensive plan, it would not necessarily further *Policy E-3.4.3: Environmental Assessments*. See, OP Report, p. 16. With respect to *Policy E-3.4.3: Environmental Assessments*, Section E-3.4 of the Comprehensive Plan states that the District of



Columbia Environmental Policy Act (“DCEPA”) “requires all *District agencies* to analyze and disclose the environmental effects of their major actions, including the permitting of new development” and that this review requirement is initiated during the permitting process with the completion and submission of an Environmental Impact Screening Form (“EISF”). See, 10A DCMR §§ 616.1 and 616.2 (emphasis added). Thus, as required by the DCEPA and 20 DCMR Chapter 72, and consistent with Policy E-3.4.3, the Applicant will submit an EISF to the Department of Consumer and Regulatory Affairs (“DCRA”) as part of the building permit review for the Project. The EISF will be reviewed by the Department of Energy and the Environment (“DOEE”) and other agencies and utilities as part of their review of the Project. As a result, the Project is fully consistent with *Policy E-3.4.3* and the Environmental Element of the Comprehensive Plan.

V.  
**UPDATED INFORMATION REGARDING PUBLIC BENEFITS  
AND PROJECT AMENITIES**

The Project incorporates numerous public benefits and project amenities, including both on-site and off-site, which provides significant benefit to the neighborhood and the District as a whole. The Applicant has continued to work with the community and related organizations in order to refine and provide further information relating to the benefits and amenities. Updated information and a summary of benefits and amenities are as follows:

**A. The East Park and Metropolitan Branch Trail**

The Project includes the creation of a park on the eastern portion of the Site (the “East Park”). The East Park will be an extension of the proposed new park immediately to the south of the Site (the “South Park”). The East Park will be approximately 20,050 square and will be deeded to the NoMa Parks Foundation (“NPF”) for ownership and maintenance. The East Park will include a realignment of the metropolitan branch trail (“MBT”), a neighborhood dog park, and

open space. Specifically, NPF is responsible for designing and constructing the neighborhood dog park and realignment of the MBT, while the Applicant is responsible for reimbursing NPF in an amount not to exceed \$165,000 for the costs and expenses incurred by NPF. The East Park may include retail kiosks, restrooms, storage buildings, and gazebos which will not exceed 2,500 square feet of gross floor area. The Applicant has requested flexibility 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 neighborhood dog park, and related open space.

**B. The South Park**

The Applicant will fund improvements for the South Park in an 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. The Applicant will provide additional information regarding this amenity in advance of the public hearing on the application, as the Applicant continues to work with NPF and the District Department of General Services to further define these improvements.

**VI.  
TRANSPORTATION ISSUES**

The Applicant is working with the District Department of Transportation on a variety of issues relating to the transportation issues for the project.

**A. Parking, Loading and Vault Locations**

Prior to and after filing the application, the Applicant worked closely with DDOT and the community to determine the appropriate location for the access to the below-grade parking and loading facilities. This work also included determining the location of the grated electric vaults. On June 22, 2017, the District of Columbia Public Space Committee approved the concept plan

for these locations as shown on the plans submitted with the application. A copy of the Public Space Committee’s approval is attached as Exhibit G.

**B. Transportation Study and Transportation Demand Management**

The Applicant has submitted its Comprehensive Transportation Review (“CTR”) scoping form to DDOT and will submit its complete CTR to DDOT no later than 45 days prior to the date of the public hearing. In accordance with Subtitle Z § 401.8 of the Zoning Regulations, the Applicant will also submit its CTR to the Zoning Commission no later than 30 days prior to the date of the public hearing and will serve a copy of the report on the affected Advisory Neighborhood Commission, OP, and DDOT.

In addition to the transportation analysis, the CTR will include the following transportation demand management (“TDM”) measures:

- The Applicant will identify TDM Leaders (for planning, construction, and operations). The TDM Leaders will work with goDCgo staff to create free customized marketing materials and a TDM outreach plan for resident and retail employees, including developing a site-specific transportation guide for residents and visitors.
- The building management will provide updated contact information for the TDM Leader and report TDM efforts and amenities to goDCgo staff once per year.
- The building management will stock Metrorail, Metrobus, DC Circulator, Capital Bikeshare, Guaranteed Ride Home, DC Commuter Benefits Law, and other brochures.
- The Applicant will unbundle all parking costs from the cost of the lease and set the cost at market rate, defined as the average cost for parking within a quarter-mile of the site on a weekday.

- The Applicant will meet or exceed zoning requirements for long- and short-term bicycle parking.
- The Applicant will install Transportation Information Center Displays (kiosks or screens) within the lobbies.
- The Applicant will dedicate two spaces in the garage for car sharing services to use with right of first refusal, if the demand exists from car share companies. These spaces will be convenient to the garage entrance, available to members of the car sharing service 24 hours a day, seven days a week, without restrictions.
- The Applicant will offer either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service to each new residential lease for a total of three years.

**C. Compact Spaces**

The Commission requested clarification as to the number of compact parking spaces provided for the Project. As shown on sheet G07 of the revised architectural sheets, the Project includes 124 parking spaces. Subtitle C § 712.3 of the Zoning Regulations permits up to 62 parking spaces to be compact spaces. The Project proposes 48 parking spaces (or 39%) in accordance with that provision.

**VII.**  
**CONCLUSION**

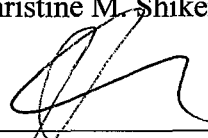
This Prehearing Submission along with the original application meets the filing requirements for a consolidated PUD and related Zoning Map amendment, as required by Subtitle X, Chapter 4 and Subtitle Z of the Zoning Regulations. For the foregoing reasons, the Applicant respectfully requests that the Zoning Commission schedule a hearing on the application.

Respectfully submitted,

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