

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

**SUPPLEMENTAL**  
**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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**November 22, 2017**

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**I.**  
**INTRODUCTION**

This Supplemental Prehearing Statement and accompanying documents (the “Supplemental 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, of which approximately 19% is zoned PDR-2 (at the northwest corner) and approximately 81% is zoned PDR-4 (the balance of the Site). As part of the PUD, the Applicant is seeking a related Zoning Map amendment to rezone the entire Site to the MU-5-A Zone District to permit the construction of a multifamily residential building with ground floor retail and two-story artist live-work spaces.

The proposed PUD will have approximately 313,916 square feet of gross floor area, or 4.03 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.

The Zoning Commission considered this case for set down at its July 24, 2017, public meeting and voted to set the case for hearing. The Applicant filed its prehearing submission providing updated information in response to the Office of Planning's and Zoning Commission's comments on August 15, 2017. The Applicant submits this Supplemental Prehearing Submission to provide additional information in advance of the hearing scheduled for December 14, 2017.

## **II.** **UPDATES ON ARCHITECTURE AND DESIGN**

At set down, the Zoning Commission provided several comments relating to the architecture and design of the Project. First, the Commission expressed concerns with the number of facades as part of the overall design of the Project. In an effort to respond to this comment, the Applicant met with the Office of Planning in both August and September to review design options. To better articulate the design intent of the Project, the Plans include precedent images depicting the design team's vision for the multiple façade design, including images of the Hines School. To specifically address the Commission's comments, the Applicant has eliminated one façade type (i.e., the small grey building previously shown on Harry Thomas Way) in an effort to simplify the overall building design while still maintaining the design intent. The result is four distinct façade types for the overall Project, each which responds to their unique location in the overall urban design framework and each of which has some frontage on Harry Thomas Way. Specifically, the two façade types on Harry Thomas Way directly respond to the approved PUD located across Harry Thomas Way, as shown on Sheet A18 of the Plans. The third façade type located at the

southwest corner is modern while still retaining a strong industrial identity consistent with previous uses within this portion of Eckington. This façade is an important architectural expression because it is the termination of the horizontal axis from the Eckington Yards project immediately to the west and it also fronts on the two acres of open space immediately to the south of the Project (the “South Park”).

The fourth and final façade is able to have a more impressive scale and size consistent with other buildings that face the train tracks, since these facades are generally larger in scale than those more internal to the Eckington neighborhood. At the same time, the larger façade wraps the northwest corner onto Harry Thomas Way and has been designed to respect the smaller context to the northwest of the Project in the following ways: (i) the top floor is set back 10 feet; (ii) a strong top to the building has been created at the sixth floor with a strong cornice line and a small setback; and (iii) balconies are included at the 5<sup>th</sup> floor to further reduce the scale of the building and introduce a finer grain of detail to the façade.

The Applicant has also incorporated additional window and facade setbacks to provide further differentiation between the façade types. Specifically, the Applicant has increased the window depths on the middle two facades along Harry Thomas Way by adding a brick return detail. In addition, the façade setback between the southwest façade and the red brick facade to the north has been increased from one foot to 10 feet, and the Applicant has provided an additional one foot setback from the property line on the taupe facade that fronts on Harry Thomas Way.

Second, the Commission expressed a concern relating to the light-colored material selection for the façade at the southwest corner of the Project. In response, the Applicant has revised the building materials of that façade from white to a light grey. In addition, the Applicant has darkened the color and further articulated the penthouse. The design intent for the penthouse

changes is to make it appear more in keeping with the design of the building below and to make it fit better within the overall design of the Project.

Finally, the Applicant has also responded to other comments and questions from both the Commission and the Office of Planning by providing the following information:

- A revised roof plan which better delineates where the green roof is located and clarifies that no green roof is located below the mechanical equipment (Sheet A05 of the Plans). As discussed below, the roof plan now shows the inclusions of solar panels.
- A revised unit mix, which now includes three-bedroom market rate and affordable units (Sheet G07 of the Plans);
- Precedent images for the artwork on the east side of the building (Sheet A29 of the Plans);
- Rendering and precedent images for the proposed artwork on for the outdoor terrace at the southeast corner of the building (Sheet A28 of the Plans);
- A plan showing the Project building in relation to the surrounding community and the PUDs approved across Harry Thomas Way (Sheet A18 of the Plans);
- Additional information regarding the corner details of the proposed cementitious panel (Sheet A27 of the Plans); and
- Photographs of materials samples (Sheets A23 through A26 of the Plans). A materials board will be provided at the public hearing.

**III.**  
**UPDATES ON PUBLIC BENEFITS AND PROJECT AMENITIES**

The Applicant has worked closely with the Office of Planning and the community, including Advisory Neighborhood Commission (“ANC”) 5E, the Eckington Civic Association (“ECA”) and various community stakeholders, to create a benefits and amenities package that responds to the needs in this community. A full list of the amenities and benefits are set forth in Section III(d) below, with more detailed descriptions of specific amenities being provides in Sections III(a) through III(c) below.

The Applicant’s proffered public benefits and project amenities are consummate with the development incentives and flexibility requested by the Applicant. “In deciding a PUD application, the Zoning Commission shall 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. In the present case, 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. *See* Subtitle X § 303.12 (“A zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD.”)

The proposed PUD will have maximum building height of 81 feet, 6 inches to the top of the roof and an overall floor area ratio (“FAR”) of 4.0. Under the PUD guidelines for the MU-5-A Zone 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. Thus, the Project is shorter and less dense than is permitted by the MU-5-A Zone District regulations. In addition, a majority of



the Site is presently zoned PDR-4. The PDR-4 Zone District permits a maximum building height of 90 feet, with the same height permitted for a PUD. 11-J DCMR §§ 203.1 and 303.7. Thus, the proposed PUD is consistent with the matter of right height under the current zone designation. Furthermore, the Project includes significantly less density compared to what would be permitted as a matter of right under the current zone designations (i.e., PDR-2 permits 4.5 maximum FAR and PDR-4 permits 6.0 maximum FAR). Accordingly, the balancing test is clearly met when considering the limited development flexibility against the significant number of public benefits and project amenities proposed in accordance with Subtitle X § 304.3.

In addition, 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 category with the significant commitments to the park space to be created in Eckington. Details regarding these commitments and updates on other amenities are below.

**A. The East Park and South Park**

The Applicant will deed to the NoMa Parks Foundation approximately 20,050 square feet of the Site for creation of a park on the eastern portion of the Site (the "East Park") to house the realigned Metropolitan Branch Trail ("MBT"), a neighborhood dog park, and general open space. The land area for the creation of the East park is approximately 27% of the Site. Based on the current assessment in the records of the Office of Tax and Revenue, the area of land for the East Park is assessed at almost \$5,800,000. If evaluated based on the original purchase price of the land, the value of this public benefit is approximately \$3,300,000. In addition, the Applicant will fund the realignment of the MBT and the construction of the neighborhood dog park with contributions to NoMa Parks Foundation of \$80,000 and \$165,000, respectively.

Furthermore, the Applicant will donate \$350,000 to the NoMa Parks Foundation to assist with improvements in the South Park. Based on current estimates, the \$350,000 donation to the NoMa Parks Foundation is anticipated to fully fund South Park Amphitheater, which has an approximate construction cost \$300,000. All remaining money donated will fund the construction food service kiosks within the South Park. The general location of these improvements is included on the Conceptual Park Site Plan submitted as Exhibit B. In accordance with Subtitle X § 305.3, prior to the issuance of a final certificate of occupancy for the Project, the Applicant will provide proof to the Zoning Administrator that the \$350,000 contribution has been made and that the NoMa Parks Foundation has used, or is using, the funds to construct the South Park Amphitheater, with any remaining funds used to construct food service kiosks within the South Park. All of the funded improvements are anticipated to be constructed in or before 2019.

**B. Inclusionary Zoning and Affordable Housing**

In accordance with the Inclusionary Zoning (“IZ”) Regulations, the Project will contain approximately 19,580 square feet of IZ units, reserved for households earning equal to or less than 60% of the median family income (“MFI”). Detailed IZ calculations are included on Sheet G07 of the Plans. This 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.”).

In order to support the District’s goal of providing more family-sized affordable units, and as requested by both ANC 5E and the ECA, the Applicant will reserve 14 two-bedroom units and four two-story, three-bedroom units on the ground floor, fronting on either the East Park or the internal

courtyard, as IZ units. Pursuant to Subtitle X § 305.5(f)(3), three-bedroom units are specifically identified as a public benefit, even if they market rate units. However, the Applicant is committed to providing both market rate and IZ three-bedroom units. The Project will not include any studio or one-bedroom IZ units. The potential location for the IZ units is submitted as Exhibit C.

The Applicant will also reserve four of the nine two-story loft spaces that front on the East Park as artist live-work spaces. These artist-live work spaces will be reserved for local artists earning equal to or less than 60% of the MFI and will remain affordable for the life of the Project. This equals at least 5,400 square feet of additional affordable housing in the Project. As a result, greater than 10% of the total square footage of the Project will be reserved for households earning equal to or less than 60% of the MFI. As shown on Sheet A02 of the Plans, the artist live-work spaces will front on the East Park. In order to further activate the East Park, the Applicant has designed these artist live-work spaces to be accessible to the public in the event the resident artists use the space for a public showing.

### **C. Sustainable Design and Solar Panels**

As shown on Sheet G12 of the Plans, the Project is designed to integrate a host of sustainable features and will be designed to achieve a minimum of 60 points, which is equivalent to the LEED Gold standards under LEED NC-2009. Designing the Project to LEED Gold is specifically identified as a public benefit in the Zoning Regulations. *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.”)

As suggested by the Zoning Commission and the Department of Energy and Environment, the Applicant will incorporate solar panels on the building’s roof. As shown on the roof plan on Sheet A05 of the Plans, the solar panels will cover approximately 1,500 square feet of the roof area and will reduce the building’s energy use.

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.

As described above, the Project includes the creation of a 20,050 square foot East Park. The Applicant is not utilizing any portion of the East Park to meet the GAR requirements for the Site. Furthermore, the creation of the East Park results in additional green space within the Eckington neighborhood in lieu of a built environment.

#### **D. Amended and Restated Public Benefits and Project Amenities**

As described above, 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. A summary of all of the public benefits and project amenities is outlined below.

##### **1. Landscaping, or Creation or Preservation of Open Spaces**

The Project includes the creation of important public spaces, including the following:

- 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 NoMa Parks Foundation for ownership and maintenance. The East Park will include the realigned MBT, a neighborhood dog park, and open space.

- The Applicant will donate \$165,000 for improvements to the neighborhood dog park within the East Park.

## 2. Transportation Features

- The Applicant will donate \$80,000 to fund the realignment of 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. Based on current estimates, the \$80,000 donation is anticipated to fully fund the realignment of the MBT.
- The Project will include 174 secure, long-term bike parking spaces within the building as well as a bicycle repair station for tenants.
- The Applicant will install 30 short-term bike parking spaces near the MBT.

## 3. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole

- The Applicant will fund improvements for the South Park, including for the amphitheater, service kiosks and public art, in an amount of \$350,000.

## 4. Public Art

- The Applicant has incorporated public art into the project in two locations. Permanent art installations will be provided at the ground floor fronting on the MBT and upper level roof deck at the southeast corner of the Project. Precedent images for the ground

floor art installation are included at Sheet A29 of the Plans. An initial proposed rendered piece for the roof deck has been included on Sheet A28 of the Plans.

- The public art piece for the roof deck is being designed and curated by No Kings Collective, which works with new and established District artists to create pop-up exhibitions, murals and client-focused design materials. Recent noteworthy art installations include the following: The Lot at the Liz, a summer pop-art experience at one of Whitman-Walker Health's four locations; The Mural Poster at The Colonel; the CAS Reigler and City Interests' development in Mount Vernon Square; and The Alley pop-up exhibition in Blagden Alley and Naylor Court.

#### 5. Affordable Housing

- The Applicant will set aside 8% of the gross floor area as IZ units reserved for households earning equal to or less than 60% of the MFI, which 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. This affordable housing will be provided with larger units with a focus on families, including the following:
  - 14 two bedroom units
  - 4 two-story, three-bedroom units on the ground floor, fronting on either the East Park or the internal courtyard
- The Applicant will reserve four 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%, which results in at least an additional 5,400 square feet of additional affordable housing reserved for households earning equal to or less than 60%

of the MFI and increases the overall amount of affordable housing to more than 10% of the total square footage of the Project. The artist-live work spaces will remain affordable for the life of the Project.

6. Sustainable Design

- The Project is designed to integrate a host of sustainable features and will be designed to achieve a minimum of 60 points, which is equivalent to the LEED Gold standards under LEED NC-2009.
- The Applicant will incorporate solar panels on the building's roof. As shown on the roof plan on Sheet A05 of the Plans, the solar panels will cover approximately 1,500 square feet of the roof area and will reduce the building's energy use.

7. Urban Design, Architecture, Efficient Economical Land Utilization

- 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 Project results in the replacement of a vacant and underutilized site and provides extra eyes on the East Park and South Park.

8. Streetscape Plans

- The Applicant will construct a pedestrian-friendly streetscape abutting the Site, including new paving for the sidewalks, street lighting fixtures, and new and replacement shade trees.

**IV.**  
**COMPREHENSIVE TRANSPORTATION REVIEW**

In accordance with Subtitle Z § 401.8, the Applicant submitted its Comprehensive Transportation Review ("CTR"), dated October 19, 2017, and prepared by Gorove/Slade

Associates, Inc. to the Zoning Commission on November 9, 2017. The CTR concluded that the Project will not have a detrimental impact to the surrounding transportation network assuming that all planned site design elements and mitigations are implemented. The CTR identified two intersections that operate at unacceptable levels as a result of the Project that would require further mitigation. These intersections are as follows:

- 3<sup>rd</sup> Street & Rhode Island Avenue, NE
- Eckington Place & Harry Thomas Way, NE

The CTR noted that the Applicant's in Z.C. Case Nos. 15-15 and 15-16 are required to provide monetary contributions for an additional traffic signal at the 3<sup>rd</sup> Street and Rhode Island Avenue, NE intersection. *See* Exhibit 26A of the record, at p. 23. Because that traffic signal is funded, the CTR recommends that the Applicant provide additional mitigations at the Eckington Place and Harry Thomas Way, NE intersection, to which the Applicant has agreed. In addition to the Transportation Demand Management measures included in the Applicant's Comprehensive Transportation Review (Exhibit 26A of the record), the Applicant will provide the following mitigations that benefit the public:

- Restriction on Residential Parking Permits: The Applicant will include a provision in all residential leases restricting the tenants from obtaining Residential Parking Permits.
- Traffic Calming Measures: The Applicant will fund and install traffic control measures at the intersection of Harry Thomas Way and Eckington Place, in coordination with and as approved by DDOT.
- Carshare and Capital Bikeshare: The Applicant will offer either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service in an amount of



\$85 for an annual membership cost to each new residential lease per unit for a total of three years. The total amount of subsidies will have a maximum value of \$27,880.

- Carsharing Spaces: The Applicant will dedicate two spaces in the residential garage or on-street along the perimeter of the Site for carsharing services to use with right of first refusal.

## V.

### **UPDATE ON WORK WITH THE COMMUNITY**

The Applicant has worked with a variety of community stakeholders to further refine the Project, including structures the final package of proffered public benefits and project amenities. The Applicant's community outreach began in 2016, and the Applicant has continued to engage with ANC 5E's commissioners, including the single member district representative (ANC 5E03), for the Site, the ECA, and community stakeholders since that time, including attending the following:

- December 15, 2016: Attended meeting with ANC 5E commissioners and the President of the ECA.
- January 9, 2017: Presentation at ECA public meeting
- October 2, 2017: Presentation at ECA public meeting
- October 17, 2017: Presentation at ANC 5E public meeting
- October 28, 2017: The Applicant set up a booth during "Eckington Day" to provide information to Eckington residents regarding the PUD
- November 6, 2017: Presentation at ECA public meeting
- November 21, 2017: Presentation at ANC 5E public meeting

At its November 6, 2017, public meeting, the ECA voted 12-0 to support the Project. At its November 21, 2017, public meeting, ANC 5E took no position on the application, and scheduled a special public meeting for December 11, 2017, to continue discussions regarding the Applicant's proffered public benefits and project amenities. The Applicant will provide updated information regarding the public benefits and project amenities at the public hearing.

## **VI.** **UPDATE ON WORK WITH DISTRICT AGENCIES**

The Applicant has worked closely with and will continue to work with District agencies reviewing the Project. Prior to and since filing the Application, the Applicant has met several times with OP. Most recently and as noted above, the Applicant met with OP to review design refinements to address comments about the Project.

In addition, the Applicant has worked closely with DDOT to determine the appropriate location for the access to the below-grade parking and loading facilities and 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. A copy of the Public Space Committee's approval was included as Exhibit G of the Applicant's Prehearing Submission. *See* Exhibit 15G of the record.

Additional outreach to District agencies included numerous meeting with the District's Fire and EMS Department, and on November 13, 2017, the Applicant attended an interagency meeting with OP, DDOT, the Department of Energy and Environment ("DOEE"), and the Department of Parks and Recreation ("DPR"). At the interagency meeting, the Applicant respond to all of the relevant agency comments. The Applicant will provide formal responses to any District Agency Report filed into the record in advance of the public hearing.

**VII.**  
**CONCLUSION**

This Supplemental Prehearing Submission along with the original application and Prehearing Submission 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 approve the applications.

Respectfully submitted,

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