

April 29, 2022

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**VIA IZIS**

Anthony Hood, Chairperson  
D.C. Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, DC 20001

**RE: ZC Case No. 21-26  
Applicant's Prehearing Statement**

Chairperson Hood and Honorable Members of the Commission:

The following constitutes the prehearing statement of Applicant NRP Properties, LLC (the "Applicant") regarding the subject application and the Applicant's proposed all-affordable, mixed-use building (the "Project"). On March 10, 2022, the Zoning Commission (the "Commission") voted to set down the application for a public hearing. In accordance with Subtitle Z § 401 of Zoning Regulations, this submission provides additional information and responds to issues raised by the Commission during the set down meeting. As such, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

**I. Architectural Updates**

Although the Commission did not specifically request architectural revisions, the Applicant has made minor changes to the plans since filing the original application. The Applicant has enclosed the updated architectural plans (the "Updated Plans") at **Tab A**. The Updated Plans feature the following changes:

• **Ground Floor Plan**

The Updated Plans include revisions to the Project's ground floor plan. The Applicant has incorporated a separate trash room for the retail space. *See **Tab A***, Sheet A.11. There are now two separate trash rooms, with one designated for residential and one for retail. The Updated Plans provide a conference room, an additional administrative office, and other minor changes to mechanical/storage areas on the ground floor. *See **Tab A***, Sheet A.11. Finally, the bicycle room has been revised to incorporate EV charging for 10% of bicycles and tandem-family sized spaces for 4% of bikes. *See **Tab A***, Sheets A.11, A.17. There will also be a recessed entry with a canopy.

- **Façade Design**

The Updated Plans incorporate changes to the fiber cement panel color, which has been lightened to provide greater contrast with the brick and window coloring. *See **Tab A***, Sheets A.40, A.41.

- **Removal of Architectural Embellishment**

The Applicant originally proposed a 3-foot metal embellishment at the Project’s roof level, which partially extended over a small federal park located at the corner of Florida Avenue and N Street. During setdown, the Commission noted the Applicant should contact the National Park Service (“NPS”) to seek comment on the projection. On April 21, 2022, the Applicant met with Tammy Stidham, the Deputy Associate Regional Director for Lands and Planning at NPS, who stated NPS’ policy prohibiting projections over federal park land. Accordingly, the Updated Plans remove the 3-foot metal embellishment and modify the top of the Project to include a new embellishment that does not project over NPS land.

- **Site Plan and Public Realm Updates**

The Updated Plans provide more site plan detail and public realm design for the Project. *See **Tab A***, Sheets A.08, A.11, A.51-56. The public realm proposal is discussed in more detail in Section III below but includes a lay-by on N Street for loading and a no-parking zone for pick-up/drop-off. The Applicant has added two more short-term bicycle parking spaces as well. To further depict the site plan and public realm design, the Updated Plans incorporate new public space sections.

- **Updated Plat**

Finally, the Applicant is submitting an updated surveyor’s plat. *See **Tab A***, Sheet CIV1300. The previous plat (Ex. 3F) incorrectly identified the length of one of the Project’s street frontages. The updated surveyor’s plat corrects that omission.

## **II. Bay Projection on Florida Avenue**

The Commission discussed a comment in the Office of Planning’s (“OP”) setdown report with respect to the Project’s bay projections on Florida Avenue NE. The Project features 4-foot bay projections at each corner of the building, with two such bay projections along Florida Avenue NE. As noted by OP, the Building Code requires that a bay projection allow for a 15-foot clearance from the curb where the bay projection is located on a street that is greater than 90-feet in width. Here, Florida Avenue NE is a 100-foot-wide right-of-way, but there is only an 8-foot clearance between the bay projections and the curb. The bay projection begins at the Project’s fourth story and does not impact the ground level. *See **Tab A***, Sheet A.55.

Since the setdown meeting, the Applicant has met with the Department of Transportation (“DDOT”) to discuss the bay projection on Florida Avenue. Following that discussion, the Applicant is pursuing a public space application for the bay projections as well as a code modification from the Department of Consumer and Regulatory Affairs. The Applicant will keep the Commission updated regarding the status of those concurrent requests.

Additionally, the Applicant has recalculated the total bay projections on site and incorporated the square footage into the Update Plans. See **Tab A**, Sheet A.02A.

### **III. Public Realm Design**

The Commission sought more information on the Applicant's public realm design. The Applicant is committing \$150,000 to improve the streetscape and public realm around the Property. A revised public realm design is incorporated within the Updated Plans. The public space improvements are intended to improve the pedestrian and vehicular functionality on and around the Property.

The Project will create an additional two feet of clear pedestrian width on Florida Avenue NE by setting the Project back two feet from the lot line on Florida Avenue. As a result, the public sidewalk along Florida Avenue will be between 8 feet in width (where adjacent to tree boxes) and 12 feet in width. These sidewalk widths will be featured on N Street and 3<sup>rd</sup> Street as well and are consistent with DDOT standards. The Applicant will also close the three existing curb cuts on Florida Avenue and the one existing curb cut on 3<sup>rd</sup> Street along with reconstructing the curb on N Street.

In conjunction with improvements to the sidewalks, the Applicant proposes landscaping and plantings in public space along all three street frontages. There will be new tree boxes and planters adjacent to the right-of-way as well as two separate planting beds along the Project's 3<sup>rd</sup> Street frontage, one of which wraps around to N Street. The Project also contemplates open-air seating in public space on N Street associated with the ground level non-residential use. The goal of the public seating area is to enliven N Street by promoting active public space.

The public realm design is also intended to provide space for loading and deliveries, as the Project does not propose on-site loading. There will be a 75-foot-long lay-by on N Street, which will function as a loading zone for both the residential and non-residential portions of the Project. See **Tab A**, A.08. The Applicant is also proposing a 62-foot-long no parking zone on 3<sup>rd</sup> Street that is intended to serve the day-to-day needs of residents, including for ride-share pick-up and drop-off, food deliveries and package deliveries. The Applicant has met several times with DDOT in connection with the Project and DDOT has indicated support for the N Street loading zone and 3<sup>rd</sup> Street no parking zone. As part of the on-going discussions, DDOT requested the Applicant to incorporate a two-foot curb extension at the corner of 3<sup>rd</sup> Street and N Street to protect the south side of the no-parking zone, which is include in the Updated Plans.

Given the lack of a formal loading space, the Applicant has incorporated a Loading Management Plan at **Tab B**. The Applicant looks forward to discussing the proposed Loading Management Plan with DDOT and ANC 6C.

Overall, the Project includes positive site design changes that will further improve the attractiveness of bicycling and walking to and from the site. These changes include:

- Reducing conflict points between vehicles, bicycles, and pedestrians by eliminating all the site's existing curb cuts, including three (3) along Florida Avenue and one (1) along 3<sup>rd</sup> Street NE;

- Widening the sidewalks along the site's perimeter and bringing crosswalks and curb ramps leading to the block into compliance with the standards set forth in the Americans with Disabilities Act (ADA) and DDOT's Design and Engineering Manual;
- Installing planters and curb extensions along the north side of N Street NE to decrease the roadway's width and calm traffic along the site's southern boundary;
- Installing short- and long-term bicycle parking facilities in excess of zoning requirements to encourage non-auto transportation to and from the site; and
- Landscaping public space along the site's perimeter to create a welcoming and comfortable environment for pedestrians.

These positive site design changes complement nearby infrastructure and safety improvements being implemented by DDOT and adjacent PUDs.

Residents and visitors of the site will be able to use the interim two-way protected bicycle lanes installed by DDOT along Florida Avenue on the site's northern boundary to access the proposed short- and long-term bicycle parking facilities. DDOT's final designs include one-way protected bicycle lanes on each side of Florida Avenue.

The streetscape improvements along N Street in particular complement the proposed pedestrian tunnel underneath Amtrak railroad tracks that would connect the NoMa-Gallaudet Metrorail Station to the intersection of 3rd Street and N Street. Although the proposed pedestrian tunnel has yet to receive funding and was not included in the Mayor's FY 2023 budget proposal, the PUD to the west of the site at 1200 3rd Street is being designed and constructed in a way to facilitate this future connection. With this in mind, 301 Florida Avenue has also been designed to create a welcoming and comfortable walking environment for those traveling between Metrorail and the nearby Union Market neighborhood.

#### **IV. Affordability Levels**

The Commission requested additional information regarding the Applicant's proffered affordability levels, seeking to understand what is meant by the language "at or below" certain AMI levels. The Applicant proposes that all 115 residential units in the Project will be reserved for individuals and families "at or below" 50% AMI, with one-half of those units "at or below" 30% of AMI.

This language mimics Inclusionary Zoning requirements under the Zoning Regulations. Under Subtitle C § 1003.7, "Inclusionary Zoning resulting from the set-asides required by Subtitle C §§ 1003.1 through 1003.4 shall be reserved for households earning **equal to or less than...**(a) Sixty percent (60%) of the MFI for rental units; and (b) Eighty percent (80%) of the MFI for ownership units." (emphasis added). In practice, this means that individuals or households with incomes up to 50% of AMI will qualify for the units designated "at or below" 50% AMI. For example, this means that a family at 45% AMI will qualify. The same applies to the units designated at or below 30% AMI.

#### **V. Racial Equity Analysis**

Under the recently enacted amendments to the Comprehensive Plan, the Zoning Commission is now required to "evaluate all actions through a racial equity lens as part of its

Comprehensive Plan consistency analysis.” *See* 12A DCMR § 2501.7.<sup>1</sup> The Comprehensive Plan defines “racial equity” as “the moment when ‘race can no longer be used to predict life outcomes and outcomes for all groups are improved.’” *Id.* § 213.8. Accordingly, the Comprehensive Plan calls for “[a]ddressing issues of equity in transportation, housing, employment, income, asset building, geographical change, and socioeconomic outcomes through a racial equity lens.” *Id.* § 213.10.

The Project furthers the Comprehensive Plan’s “racial equity” goals by providing a new and all-affordable residential building in the middle of a vibrant highly-amenitized neighborhood. Most importantly, the Project will reserve all of its units for low- and moderate-income individuals and families in perpetuity. By offering all units at or below 50% AMI, half of which will be at or below 30% AMI, the Project well exceeds the standard Inclusionary Zoning affordability requirement of 60% AMI. In addition to the affordability element, the Project is accessible for families with 54 family-sized, two- and three-bedroom units. The Project also incorporates a large toddler playroom to provide on-site recreation space for children.

The Project will not result in the displacement of any existing residents as the Property is currently unimproved. Instead, the Project will provide modern, income-reserved housing opportunities with one of the District’s most accessible locations to immediately-proximate amenities and employment opportunities. The Property’s NoMa location will reduce commute times to the primary employment sector in downtown D.C., which can positively contribute to residents’ economic prosperity. The proposed library/computer room and gym are intended to provide residents with free alternatives to services that might otherwise be costly.

The Project will also provide a Resident Resource Center that will be run by the MHCDO. The resource center will offer a wide range of services tailored to specific residents’ needs. Planned services and offerings include training and educational programming in topics such as financial planning, workforce development skills, environmental, health and wellness, community-building, and more. These services offer residents an important opportunity to gain more education and life skills.

Finally, the Applicant has also demonstrated equity as part of this zoning process through its outreach to the community. The Applicant has already engaged in dialogue with ANC 6C and looks forward to formally presenting at ANC meetings in the coming months.

## **VI. Pre-hearing Filing Requirements**

The Applicant hereby certifies that this statement complies with the requirements of Subtitle Z § 401, as follows:

Subtitle Z § 401.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes by Commission	Prehearing Statement (filed herein)
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<sup>11</sup> The Applicant wishes to provide a racial equity analysis as such analysis is not set forth in the original application the Commission. Nonetheless, the new Comprehensive Plan requires the Commission to evaluate the racial equity analysis as part of this PUD and map amendment application.

Subtitle Z § 401.1(b) Applicant's Witnesses	To be submitted no later than 20 days prior to the hearing
Subtitle Z § 401.1(c) Summary of Witness Testimony with Expert Witness Resumes	To be submitted no later than 20 days prior to the hearing
Subtitle Z § 401.1(d) Additional Information, Reports or Other Materials from the Applicant	Prehearing Statement (filed herein)
Subtitle Z § 401.1(e) Reduced plans no larger than 11x17	Application (Ex. 3G1-3G4)
Subtitle Z § 401.1(f) List of maps, plans or other documents that will be offered into evidence	Application (Ex. 3E)
Subtitle Z § 401.1(g) Estimate of time for Applicant's presentation	One hour
Subtitle Z § 401.3(a) Names and addresses of owners of property within 200 feet	Application (Ex. 3C)
Subtitle Z § 401.3(b) Names and addresses of each person having a lease with the owner	Not Applicable
Subtitle Z § 401.7 Comprehensive Transportation Review	To be submitted no later than 30 days prior to the hearing
Subtitle Z § 1601.1 Hearing Fee	Enclosed

**VII. Conclusion**

Based on the information herein and in the case record, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

Sincerely,  
COZEN O'CONNOR



Meridith Moldenhauer



Eric J. DeBear

**Certificate of Service**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of April, 2020, a copy of this Prehearing Statement with attachments was served, via email, on the following:

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