

August 13, 2013

VIA HAND DELIVERY

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 210S
Washington, DC 20001

**Re: Zoning Commission Case No. 06-40C – Application of Gateway
Market Center, Inc., for 340 Florida Avenue, NE (Lot 8 in Square
3587), Washington, DC (the “Property”) – Review and Approval of a
Modification to an Approved Consolidated Planned Unit
Development and Related Zoning Map Amendment – Pre-Hearing
Statement of the Applicant**

Dear Chairman Hood and Commissioners:

Pursuant to 11 DCMR Section 3013.1, Gateway Market Center, Inc. (the “**Applicant**”), the applicant in Zoning Commission Case No. 06-40C and co-developer of the Property, hereby files its pre-hearing statement for the modification of the consolidated planned unit development and related map amendment (the “**Project**”) approved in Zoning Commission Order Nos. 06-40 and 06-40A (collectively, the “**Order**”). The Applicant hereby requests to be scheduled for a hearing before the Zoning Commission at the earliest opportunity.

Background

The Property consists of Lot 8 in Square 3587. The Property is located in the Northeast quadrant of the District of Columbia between Morse Street, 4th Street, and Florida Avenue, NE. It is less than 350 yards from the entrance to the NoMA-Gallaudet University Metrorail station. The Property consists of approximately 38,452 square feet of land area.

The PUD site is in Single-Member-District 5D01 of Advisory Neighborhood Commission 5D in Ward 5. It is in the Ivy City neighborhood, with Trinidad to the east and Eckington to the west. The site is currently vacant. Previously, the site was occupied by the vacant and boarded-up Washington Beef warehouses, a vacated Bank of America branch and a small “Ironworks” welding shop, all of which were demolished by the Applicant. The Gateway project is within the Florida Avenue Market, a warehouse district whose history has been to accommodate the city’s food wholesalers. The entire Florida Avenue Market area is zoned C-M-1.

The Property was previously approved for a project by the Order. The Commission approved rezoning of the Property to the C-3-C Zone District. The prior project had a building area of 307,384 square feet, for an effective FAR of 7.7. The building included 134,237 square feet of residential use, 69,704 square feet of office use, 26,026 square feet of retail use, and 71,381 gross square feet for common, support, and circulation areas. The lot coverage was 93% and the maximum height of the building was 119'-4" feet (10 stories on the Florida Avenue side, stepping down to 40 feet and four stories on the Morse Street side). The previously approved project was unable to proceed due to the dire economic climate, difficult building efficiency as a result of the mix of uses, and the unavailability of financing for office space on the site. The prior development team filed a request to extend the PUD with the Zoning Commission on April 8, 2011. The extension was granted by Case No. 06-40A and the Order was extended until April 23, 2013 pursuant to Order No. 06-40A.

On April 13, 2013, the Applicant filed an application for a modification approval of the PUD in order to permit the redevelopment of the Property as a reconfigured project. The Applicant wishes to modify the Order primarily for two reasons: 1) to eliminate the office space in favor of residential use in order to respond to the dynamics of the office and residential markets since the Order was issued by the Zoning Commission; and 2) to redesign the two story retail into one story retail. Together these changes will enable the project to proceed to construction and provide the needed catalyst for redevelopment of the 44 acre Florida Avenue Market over the next decade.

Setdown Meeting and Responses to the Zoning Commission

The Zoning Commission set the above-referenced application down for a public hearing at its public meeting on July 29, 2013. The development team heard the Commission’s comments at the project’s setdown meeting and is currently working to address them. The Applicant will file additional materials prior to the hearing date for this case, including refined plans, additional details relating to the facades, and an updated traffic and parking report, among other items.

Specifically, at the setdown meeting, the Commission requested clarification on the items as discussed and addressed below.

1. *Building Design.* The Commission discussed the proposed design of the Project and requested further study, elaboration, and refinement of the design. The Commission counseled the Applicant to work with the Office of Planning (“OP”) on design. Specifically, the Commission requested (1) a roof plan, (2) further design of the western façade of the project, and (3) enlarged sections and drawings showing how the project’s materials work together.

Since the filing of the initial application, the Applicant has been refining the concept design of the Project. The Applicant will meet with OP staff to review and refine the design and assess the materials to be submitted to the Commission. The revised plans will also incorporate feedback from DDOT and the community. The revised concept design and additional information requested by the Commission will be submitted to the Commission well before the hearing.

The Applicant’s modified materials will focus on the largest residential option shown in the Applicant’s April 18, 2013 modification application filing. The Applicant’s project will therefore be approximately 80 feet, one (1) inch in height and contain approximately 189,763 square feet (4.9 FAR), comprised of approximately 155,885 square feet of residential use (216 residential units) and 27,410 square feet of retail use. The Applicant removed the request relating to the size and number of residential units to respond to the Commission’s comments at the public meeting on June 10, 2013 where the extension of the Order was initially discussed by the Commission and the July 29, 2013 setdown meeting. The Applicant previously removed the initially-requested hotel option (Option C) in response to the Commission’s comments during the June 10, 2013 discussion of the Applicant’s extension request (Z.C. Case No. 06-40B). Therefore, Options A and C have been removed from the application.

2. *Previously Approved Project.* The Commission requested additional information regarding the project that was previously approved for the property under the Order, in order to more clearly review the manner and extent of requested modifications.

Diagrams and information regarding the previously-approved project will be included in the updated drawings that will be submitted to the Commission prior to the hearing.

3. *Information Relating to Project Materials.* The Commission requested that the Applicant provide additional details relating to the façade treatment and materials

proposed for the project, including presenting a material sample board to the hearing. Specifically, the Commission requested additional information relating to the composite paneling being proposed for portions of the façade. The Commission requested information relating to the sustainability, maintenance, durability, and quality of such composite material.

Details relating to the façade treatment and materials proposed for the Project will be submitted to the Commission prior to the hearing. The Applicant will present information relating to the sustainability and durability of the composite paneling in particular. The Applicant has selected such material due to its reputation for quality, attractive appearance and ease of maintenance. The Applicant will present a materials sample board to the hearing, as requested by the Commission.

4. Community Feedback. The Commission requested that the Applicant continue to work with the community regarding the Project, particularly in order to finalize the amenities package.

The Applicant will meet with Advisory Neighborhood Commission 5D prior to the Zoning Commission hearing. At meetings to date, members of ANC 5D01 expressed general support for the Project. The Applicant will continue to engage with ANC 6C, Trinidad Neighborhood Association, local institutions, local vendors, other nearby owners, and interested individuals prior to the public hearing as well.

Even though the Applicant's project results in a reduction of scale from the originally-approved project, the Applicant is committed to delivering the previously-approved amenities package. Utilizing the same 20% set-aside for affordable units as previously approved results in an increase in the amount of affordable residential space from 26,847 gross square feet to 31,177 gross square feet. The Applicant and community will finalize the project's amenities package.

The Commission requested no other changes or information regarding the project.

Extension Request

As described in the Applicant's April 13, 2013 filings, concurrent with Applicant's modification request, Applicant is requesting an extension to the Order which, if approved, would allow for the extension of the Order for an additional two (2) years. At the Commission's June 10, 2013 public meeting, the Commission deferred the extension request until the Applicant's modification public hearing (or December 9, 2013, if later).

Witness List, Proposed Testimony, and Time Estimate for Presentation

We look forward to presenting this case to the Commission. The Applicant will provide at least three witnesses to testify on its behalf: a representative of the Applicant, a representative of SK&I Architects, the project architect, a representative of Wells & Associates, the traffic consultant, a representative of Bohler Consulting, the project civil engineer. Outlines of the testimony of all of the Applicant's witnesses are attached as Exhibit A. Expert witness resumes are attached as Exhibit B. If additional witnesses will be called, the Applicant will identify them in a supplemental filing prior to the hearing. The written report of the Applicant's traffic consultant will also be submitted prior to the hearing.

The Applicant anticipates at this time that its presentation will require up to 60 minutes.

Project Plans

A full set of plans was included as Exhibit A of the initial application. As described above, updated plans reflecting revisions and refinements made in response to comments from the Commission and resulting from input by OP, DDOT, and the community will be submitted to the Commission prior to the hearing.

Publicly Available Maps

Per Section 3013.1(f), the Applicant offers the following publicly available maps and documents into evidence in support of its case: the District of Columbia Zoning Regulations and Map, the District of Columbia Comprehensive Plan, and the District of Columbia Future Land Use Map and Generalized Land Use Map, WMATA transit maps related to this site, previous Orders of the District of Columbia Zoning Commission.

Hearing Fee

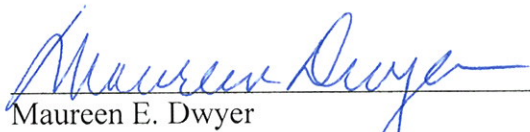
Enclosed with this filing is the Applicant's hearing fee of \$5,899.40. Such amount is calculated as 26% of the prior hearing fee of \$22,690.00 pursuant to Section 3041.6 of the Zoning Regulations.

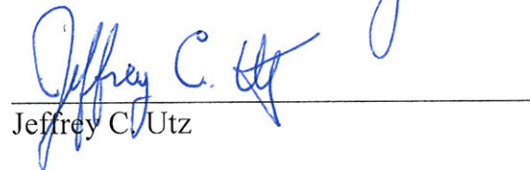
Conclusion

As set forth above, the Applicant has met the requirements of Section 3013, and accordingly requests that a public hearing be scheduled as soon as possible. The development team looks forward to presenting this modification application to the Commission.

If you have any questions regarding this application, please feel free to contact Maureen at 202-721-1101 or Jeff at 202-721-1132. Thank you for your attention to this application.

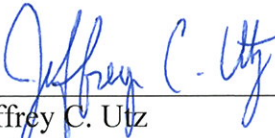
Respectfully submitted,


Maureen E. Dwyer


Jeffrey C. Utz

Certificate of Service

I certify that on August 13, 2013, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

Stephen Gyor (2 copies)
District of Columbia Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

Jamie Henson
Policy and Planning
District Department of Transportation
55 M Street SE, 5th Floor
Washington, DC 20009

Advisory Neighborhood Commission 5D (7 copies)
1807 L Street, NE
Washington, DC 20002

ANC Commissioner Peta-Gay Lewis (5D01)
1868 Corcoran Street, NE
Washington, DC 20002

Advisory Neighborhood Commission 6C (Adjacent ANC) (6 copies)
P.O. Box 77876
Washington, DC 20013

ANC Commissioner Tony Goodman (6C06) (Adjacent ANC SMD)
1152 4th Street, NE
Washington, DC

Exhibit A

**OUTLINE OF TESTIMONY OF REPRESENTATIVE OF THE APPLICANT,
STEVE BOYLE, JEFF KAUFMAN, OR OTHER REPRESENTATIVE OF
EDENS ON BEHALF OF GATEWAY MARKET, INC.**

- I. Introduction of Applicant
- II. History of Site
- III. Site Location and Description
 - A. Overview of Site, Surrounding Area, and Land Use
 - B. Vision for Florida Avenue Market
- IV. Overview of Modification Request
- V. Goals and Objectives of Application
 - A. Residential and Retail Use
 - B. Streetscape Focus
- VI. Community Dialogue Process
- VII. Conclusion

**OUTLINE OF TESTIMONY OF PROJECT ARCHITECT,
SAMI KIRKDIL, DENNIS CONNORS, FEDERICO SOIFER, OR OTHER
REPRESENTATIVE OF
SK & I ARCHITECTS**

- I. Introduction
 - A. Project Architect, SK&I Architects
- II. Description of Project
 - A. Design as Proposed
 - B. Site Configuration
 - C. Design Considerations
 - D. Description of Materials
 - E. Areas of Relief Requested
- III. Conclusion

**OUTLINE OF TESTIMONY OF PROJECT TRANSPORTATION CONSULTANT,
JAMI MILANOVICH OR OTHER REPRESENTATIVE OF
WELLS & ASSOCIATES**

- I. Introduction
 - A. Project Transportation Consultant, Wells & Associates
- II. Site and Area Conditions
- III. Access Considerations
- IV. Discussion of Parking
- V. Discussion of Traffic Impacts of Project
- VI. Conclusion

**OUTLINE OF TESTIMONY OF PROJECT CIVIL ENGINEER,
DAN DUKE OR OTHER REPRESENTATIVE OF
BOHLER CONSULTING**

- I. Introduction
 - A. Project Civil Engineer, Bohler Consulting
- II. Site and Area Conditions
- III. Stormwater Consideration
- IV. Other Site Considerations
- V. Conclusion

Exhibit B



Sami Kirkdil, AIA President

SK+I founder Sami Kirkdil is an innovator. Having practiced architecture for more than 20 years he is known for pushing design limits to create award-winning residential buildings. Sami's artful balance of innovation and thoughtful design has established SK+I as an industry leader in multifamily residential and mixed-use projects.

Sami is directly involved with every project handled by the firm. He has designed over 50 residential projects and has strong experience in mixed-use, institutional, commercial, and office projects.

Sami's designs are inspiring and creative, yet ever mindful of the client goals. His comprehensive understanding of the current marketplace inspires confidence and trust among his client base of individuals, small builders, and major developers. His commitment to anticipate and exceed client expectations has cultivated SK+I into a thriving architecture studio.

Sami is well-known and respected in the architecture world. He has served on the AIA Housing Committee and on numerous nationwide design juries. Sami is a registered architect in Maryland, Virginia, Washington DC, Massachusetts, New Jersey, North Carolina and Pennsylvania.

EDUCATION, MEMBERSHIPS & CERTIFICATIONS

Bachelor of Architecture – Istanbul State Academy of Fine Arts

Master of Architecture – The Catholic University of America

American Institute of Architecture Member – AIA

National Council of Architectural Registration Board Certified – NCARB

PORTFOLIO

Washington Gateway – Washington, DC

Bainbridge Bethesda – Bethesda, MD

Lot 31 – Bethesda, MD

Foundry Lofts – Washington, DC

Constitution Square – Washington, DC

Potomac Yard: Blocks C + F – Alexandria, VA

View 14 – Washington, DC

Wisconsin Place – Chevy Chase, MD

Park Potomac – Potomac, MD

Chase Point – Washington, DC

Union Row – Washington, DC

Jenkins Row – Washington, DC

Post Carlyle – Alexandria, VA

Lofts 590 – Arlington, VA

The Metro – Washington, DC

The Desoto – Washington, DC

1441 Rhode Island Avenue – Washington, DC

Massachusetts Court Apartments – Washington, DC

Dennis E. Connors, AIA
Associate

Dennis Connors has been practicing architecture for 15 years, with a concentration in urban design. He has vast experience with renovations, preservation, and government funded projects, as well as in-fill projects. He is especially talented helping the team coalesce at a final design and then compelling the project thru difficult approval processes such as zoning adjustments and historic reviews.

Prior to returning to SK+I, Dennis gained professional experience as a Principal and Sole Proprietor of a private practice he founded in Washington, DC. For nine years, his company provided services from conceptual design to construction documents to construction administration for a variety of building types, ranging from residential to commercial. Projects also required a variety of performance standards such as being fully accessible, Energy Star Certified, and/or compliant with green community standards.

In addition to participating in BZA projects with SK+I, Dennis has achieved over a dozen zoning and historic approvals for a variety of other projects in Washington, DC.

Dennis is a registered architect in Maryland and Washington DC.

EDUCATION, MEMBERSHIPS & CERTIFICATIONS

Bachelor of Architecture – The Catholic University of America
American Institute of Architecture Member – AIA
National Council of Architectural Registration Board Certified – NCARB

RELEVANT HOUSING EXPERIENCE

Marymount University Ballston Center – Arlington, VA

HISTORIC PRESERVATION REVIEW BOARD EXPERIENCE

Union Row – Washington, DC
The Metro – Washington, DC
The Desoto – Washington, DC
1441 Rhode Island Avenue – Washington, DC
1845 Mintwood Place – Washington, DC
1335 R Street – Washington, DC
451 Ridge Street – Washington, DC

ADAPTIVE REUSE EXPERIENCE

The Willison – Washington, DC
The Carry Lofts – Washington, DC
2359 Ashmead Place – Washington, DC
2714 Ontario Road – Washington, DC
The Gracie Condominium – Washington, DC
The Charles Condominium – Washington, DC

Federico Soifer, LEED AP BD+C Associate

Federico Soifer has been practicing architecture for over 20 years. He has a unique talent for conceptual design and has extensive experience with both clients and consultants. He listens to clients and enhances their vision with his fresh and innovative approach to projects. Federico's role in the firm is conceptual and schematic design and he prepares presentations with great detail, bringing all aspects of a project together.

Federico founded an architecture firm in Buenos Aires, Argentina and under his direction the firm quickly became an industry leader in commercial and residential design. His experience encompasses all the stages of the design and construction supervision process. He developed and supervised projects including residences, commercial facilities, offices, retail, and urban design and planning. Federico has been published in Argentinean magazines and participated and received awards in both national and private competitions.

EDUCATION, MEMBERSHIPS & CERTIFICATIONS

Bachelor of Architecture degree – Universidad Nacional de Buenos Aires, Argentina
LEED AP BD+C Certification – US Green Building Council

PORTFOLIO

Parcel 11 Residential at Southwest Waterfront – Washington, DC
1900 Chapman Avenue at Twinbrook Metro – Rockville, MD
Avalon Mosaic at Merrifield Town Center – Fairfax, VA
West Lane – Bethesda, MD
2201 North Pershing Drive – Arlington, VA
Self-Storage Site at H Street – Washington, DC
Bainbridge Bethesda – Bethesda, MD
View 14 – Washington, DC
The Warehouses at Union Row – Washington, DC
Potomac Yard – Block F – Alexandria, VA
The Ellsworth – Silver Spring, MD
Lot 31 – Bethesda, MD
1800 Wilson Boulevard – Arlington, VA
Lofts 590 – Arlington, VA
Bethesda Center North – Bethesda, MD
Massachusetts Court – Washington, DC

JAMI L. MILANOVICH, P.E.
PRINCIPAL ASSOCIATE

PROFILE:

Ms. Milanovich has over 17 years of experience in a wide range of traffic and transportation projects including: traffic impact studies, corridor studies, parking analyses, traffic signal design, intersection improvement design, and signing and pavement marking design. She has worked for both public and private sector clients.

EXPERIENCE:

Traffic Impact Studies. Conducted numerous traffic impact studies in support of rezoning, planned unit development, special exception, and site plan approvals for large and small residential, commercial, office, retail, and institutional developments in the mid-Atlantic region. Her work includes experience in Pennsylvania, Virginia, Maryland, and Washington, D.C. Specific Washington, D.C. projects include the following:

- ◆ The Georgetown University Campus Plan Peer Review
- ◆ The George Washington University Campus Plan: 2005-2026
- ◆ The George Washington University Mount Vernon Campus Plan
- ◆ The George Washington University Transportation Survey
- ◆ The George Washington University Science and Engineering Hall
- ◆ The George Washington University School of Public Health and Health Services
- ◆ The George Washington University Museum
- ◆ The George Washington University – Square 75 Redevelopment
- ◆ The George Washington University/Boston Properties – Square 54
- ◆ The George Washington University/DC Public Schools – School without Walls
- ◆ Catholic University of America South Campus Redevelopment
- ◆ Sidwell Friends School
- ◆ Rosemount Center
- ◆ Broad Branch Market and Child Development Center
- ◆ Friends of Saint Patrick's School
- ◆ Transportation Impact Study for Square 776
- ◆ Hilton Garden Inn – 2201 M Street, NW
- ◆ HSC Foundation – 2013 H Street
- ◆ International Monetary Fund
- ◆ Jubilee Housing
- ◆ Connecticut Avenue Walgreens
- ◆ Arbor Place

- ◆ Dakota Crossing
- ◆ The Village at Washington Gateway
- ◆ The Shops at Dakota Crossing
- ◆ City Homes at Fort Lincoln
- ◆ Art Place + Shops at Fort Totten

Corridor Studies. Conducted several corridor studies, which have evaluated the effects of various geometric and traffic signal system improvements on specific corridors. She has utilized Synchro and SimTraffic software to both analyze the potential improvements and make presentations for agencies and the general public.

Traffic Signal Design. Prepared numerous traffic signal designs for new installations and modifications to existing installations, including the development of coordination timings for interconnected intersections. Her work has included preparation of signal permit drawings for state agencies and construction drawings for contractors.

Intersection Improvements. Prepared many intersection improvement plans throughout Pennsylvania, often in conjunction with traffic signal designs. Design of intersection improvements typically consists of roadway widening, drainage improvements, utility coordination, maintenance and protection of traffic considerations, and signing and pavement marking plans.

Traffic Calming Studies. Investigated traffic calming measures to reduce travel speeds and "through" traffic on residential streets. Alternatives included chicanes, chokers, diverters, speed tables, and one-way street options.

Interchange Justification Studies. Prepared Point of Access Study for the completion of the partial diamond interchange for submission to the Pennsylvania Department of Transportation and the Federal Highway Administration. Study included an origin-destination study and capacity/level of service analyses at eight intersections and an inventory of existing and approved developments within the study area. Data analyses were conducted for scenarios with and without the proposed interchange.

Origin-Destination Studies. Conducted several origin-destination studies as part of larger projects to determine travel patterns through specific areas. Methods used included license plate matching, post-card surveys, personal interviews, and car-following.

Speed Limit Studies. Conducted speed limit for two-lane, rural roadways in Pennsylvania. Methodology utilized was safe running speed method in accordance with ITE guidelines.

EDUCATION: Master of Engineering, The Pennsylvania State University, University Park, Pennsylvania, December 2000

Bachelor of Science, Civil Engineering, The Pennsylvania State University, University Park, Pennsylvania, May 1995

REGISTRATIONS: Registered Professional Engineer: Pennsylvania; Virginia; Washington, D.C.

AFFILIATIONS: Institute of Transportation Engineers
Urban Land Institute
District of Columbia Building Industry Association

EMPLOYMENT HISTORY

2003 - Present **Wells & Associates, Inc.**
McLean, Virginia
Principal Associate

1997 - 2003 **Herbert, Rowland & Grubic, Inc.**
Harrisburg, State College, and Pittsburgh, Pennsylvania
Traffic Engineer

Ms. Milanovich was a project manager responsible for the preparation of traffic engineering studies, traffic signal design, and intersection improvement designs.

1995 - 1997 **Transportation Resource Group, Inc.**
York, Pennsylvania
Traffic Engineer-in-Training

Ms. Milanovich was responsible for data collection efforts and conducting traffic engineering studies. Her duties also included overseeing technical support staff.



DAN DUKE, P.E.

Principal

EDUCATION

M.S. Civil Engineering
Villanova University

B.S. Civil Engineering
Villanova University

PROFESSIONAL AFFILIATIONS

District of Columbia Building
Industry Association

American Society of Civil Engineers

National Society of Professional
Engineers

Engineers and Surveyors Institute

International Council of Shopping
Centers

National Association of Office and
Industrial Properties

Northern Virginia Building Industry
Association

Maryland National Capital Building
Industry Association

Society of College and University
Planning

NAIOP Arlington Government
Relations Sub Committee

NAIOP Government Relations
Arlington Subcommittee 4.1 Team

PROFESSIONAL LICENSES

District of Columbia PE #900392
Maryland PE #0026720
Virginia PE #0402-034104

PROFESSIONAL SUMMARY

Dan currently serves as Principal and Branch Manager of Bohler Engineering's two Washington DC metro offices in Sterling, Virginia and Bowie, Maryland. Dan is primarily responsible for the leadership, staff development, business development and project management.

EXPERIENCE

Throughout his career, Dan has supervised a multitude of projects in over 50 municipalities in Maryland, Virginia, Delaware, Pennsylvania, New Jersey and the District of Columbia. He has specific knowledge of site feasibility analyses, site layout and planning, zoning and subdivision/land development ordinance review interpretation and all areas pertinent to civil engineering. Dan has offered expert testimony in several municipalities before Planning Commissions, Zoning Hearing Boards and related entities in the District of Columbia, Maryland, Virginia, Delaware and Pennsylvania.

Dan has cultivated and maintained several key client relationships for both the Mid-Atlantic region and our corporate offices. Through these relationships, Dan has been involved with many key organizations which influence and partake in the future direction of regulatory advancements. These organizations include:

- DCBIA Leaders in Development, Executive Committee Member
- DCBIA Committee on the Environment
- MNCBIA Liaison Committee
- ULI-Washington, DC Chapter
- NAIOP Sustainable Design
- Metropolitan Washington Council of Governments
- NVBIA/NAIOP Urban Chapter

WASHINGTON, D.C. EXPERIENCE

- Square 701
- Skyland Town Center, Alabama Ave. and Good Hope Rd., SE
- 77 H St., NW
- Catholic University, South Campus Redevelopment
- PNC Regional Headquarters, 17th St. and H St., NW
- 55 M St., SE
- 450 K St.
- West End 25, 25th St. and M St., NW
- TD Bank, Wisconsin Ave., NW
- Embassy of Cameroon
- Cathedral Commons