

November 15, 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 Nos. 06-40B and 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 and Extension of an Approved Consolidated Planned Unit Development and Related Zoning Map Amendment – Twenty Day Pre-Hearing Submission 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 Nos. 06-40B and 06-40C and co-developer of the Property, hereby files its twenty (20) day pre-hearing submission for the modification to and extension 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 hearing is scheduled for December 5, 2013.

I. Background

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 that is currently vacant.

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. 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 (ten (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.¹ 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; 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 a needed catalyst for redevelopment of the 44 acre Florida Avenue Market.

II. Updated Plans and Responses to the Zoning Commission

A set of updated plans is included as Exhibit A (the “**Plans**”). The updated plans reflect revisions and refinements made in response to comments from the Commission

¹ On the same day, the Applicant filed a request for an extension of the Order citing its good faith efforts and market conditions, among other reasons, for such extension.

and input by the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), and the community. The development team heard the Commission’s comments at the project’s July 29, 2013 setdown meeting and has worked to address them. The specific responses to the Commission’s requests are addressed in the following sections.

a. Building Design

At setdown, the Commission discussed the proposed design of the Project and requested further study, elaboration, and refinement. In response to such comments, as can be seen by a review of Exhibit A, the Applicant revisited the concept design of the Project. The revised plans also incorporate feedback from DC agencies and the community.

The revised design of the building alludes to the industrial cast iron facades from the turn of the 19th century that can be found in mixed-use warehouse districts such as New York and Chicago. The Northeast Gateway of Washington contains many similar existing industrial warehouses of brick and steel; however, there is no presence of that architecture to create an identity for the entry point of the Florida Avenue Market area. Since this particular site is the visible entry to the Market from the Metro, the design team deemed it a highly desirable location for such an architectural expression. The revised design keeps the massing concept of a solid background with three applied forms – one for each street with frontage. However, the revised design handles the detailing through a method in which the exterior enveloped is assembled through its joining of components (i.e. a techtonic aesthetic). That is, the way the materials meet creates the aesthetic rather than the aesthetic style dictating where the materials are placed.

The retail experience of the revised design is a combination of both the dark solid masonry and the vertical metal piers with storefront glazing in between. Yet, the updated design retains significant retail presence along Florida Avenue and 4th and Morse Streets. The continuous retail along Florida Avenue and a portion of 4th Street (due to grade) is dramatic double height space to allow for such use to open up to and activate the streetscape. The interior layout of the floors, including the retail areas and residential unit configurations does not significantly change as the result of the updated design.

The Commission also specifically 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. The roof plan, the further refined western façade, and enlarged sections and drawings showing the use of the project’s materials are included in the Plans as Page A-107, Page A-203, and Pages A-204 and A-205 of Exhibit A, respectively.

As previously discussed, the Applicant's project is based upon Option B that was originally submitted to the Commission in the Applicant's April 18, 2013 modification application filing. The Applicant's project is therefore approximately 79 feet, one (1) inch in height and contains approximately 189,036 square feet (approximately 5.0 FAR), comprised of approximately 188 residential units and 27,410 square feet of retail use. Note that these square footage figures have been slightly revised as the result of the design modifications since the application filing. As noted in previous filings, the Applicant removed the proposed building options relating to the potential hotel component and eliminated the request for alternative residential building options to respond to the Commission's comments at the public meeting on June 10, 2013.

b. 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 have been included as Exhibit B. For example on Page A-200 of Exhibit B, the prior approved south elevation of the project is shown, while the prior approved east elevation is shown on Page A-201 of Exhibit B, and the prior approved north elevation is shown on Page A-203 of Exhibit B. These elevations demonstrate the different design approach of the two projects. As shown on these pages, the proposed project incorporates a more industrial, warehouse character that would typically be found in a "loft-like" residential project. With the removal of the office component of the prior approved project, the proposed project was able to alter the building character and more expressively respond to the site's context and history.

The prior approved west elevation is shown on Page A-201 of Exhibit B. The updated west elevation, shown on Page A-203 of the Plans, shows the additional articulation, including windows, added to the west façade in response to the Zoning Commission's comments.

The prior approved building section is shown on Page A-301 of Exhibit B. This Section comparison allows for review of updated approach to the use components proposed by the Project. Previously, the project proposed the inclusion of retail, office, and residential uses, along with significant common space. Under the proposed scheme, the building is more efficient and focuses on servicing the residential and retail uses only.

c. 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.

The Applicant has paid a great deal of attention to the materials used in the project design, and incorporated the selected materials to strengthen the “loft-like” design motifs of the Project. The white outer frame is a metal industrial frame made of piers, channels, metal panels, and with expansive glass similar to period cast iron buildings, while the solid frame behind is a dark brick façade with single punched windows similar to the warehouses found in the surrounding area. In addition to drawing heavily from brick and steel, the Project utilizes a large degree of glass to accentuate the warehouse feel. The light metals and dark brick contrast creates a sense of visual interest and depth that accentuates the different characteristics of each type of materials.

The Applicant has also significantly reduced the amount of composite paneling utilized on the facades of the Project. As mentioned above, the facades are primarily brick, metal, and glass. The Applicant will present a materials sample board to the hearing, as requested by the Commission.

d. Community Outreach and Support and Amenities

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 has conducted extensive community outreach efforts. The Applicant met with Advisory Neighborhood Commission (“ANC”) 5D, ANC 6C, the ANC 6C Planning Zoning and Environment Committee, the project’s Single Member District 5D01 representative, and Trinidad Neighborhood Association. All of these organizations were supportive of the application. The Applicant will continue to engage with the community and other neighbors, stakeholders, local institutions, local vendors, and interested individuals.

Even though the 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 30,662 gross square feet provided in the Project.

III. Transportation Impact Study and DDOT Review

The Applicant has been working with DDOT throughout the design of the Project and will continue to do so through the permitting process. The Applicant has also been working with DDOT to integrate its project into the multimodal safety and planning study for Florida Avenue and ensure that it dovetails with the safety, streetscape, and operational enhancements to improve the roadway.

As part of the Applicant's efforts in this regard, the Applicant's traffic consultant, Wells + Associates, produced a Transportation Impact Study, attached hereto as Exhibit C ("**Study**"). The Study concluded that the proposed project will have only a marginal impact on the traffic operations.² The Study noted that the proposed development is anticipated to generate an estimated 91 new AM peak hour vehicular trips and 158 new PM peak hour vehicular trips. Most of such PM peak hour vehicular trips will occur as the result of the retail use on the Property.

The Study made suggestions for minor public space modifications to mitigate traffic impacts in the area, including two slight signal timing adjustments to the Florida Avenue/4th Street intersection and the installation of a stop bar on Morse Street for eastbound traffic, a new stop sign for eastbound traffic adjacent to the stop bar, and a no parking sign around the stop sign and edge of 4th Street.

The Study also analyzed the Project's curb cuts, noting that the number of curb cuts will be reduced from seven (7) to two (2) at the Property. The Study stated that the Wells + Associates thoroughly reviewed the need for, and appropriateness of, the curb cut on Florida Avenue for the Project's parking. The Study noted that:

In summary, the evaluation concluded that existing signals located both east and west of the proposed driveway in conjunction with the signal phasing present at the Florida Avenue/4th Street intersection will help facilitate turns into and out of the proposed development. Additionally, a review of crash data at eight existing driveway intersections on Florida Avenue between 2nd Street and 6th Street indicated that these driveways, which provide full access, operate safely and, therefore, it is anticipated that the proposed site access would operate similarly.

² Note that the Study utilized a higher number of residential units than will actually be provided by the Project. Therefore, its approach to the transportation impacts of the Project is conservative.

The Applicant has agreed with DDOT that left turns out of the curb cut on Florida Avenue will be subject to restrictions determined during the public space process. Further operational details regarding the curb cut will be determined during the public space permitting process.

The Study also sets forth the project's Transportation Demand Management Plan on page 19 of the Study. The Transportation Demand Management Plan encourages the use of non-auto modes of transportation. The Study also noted that the Applicant will implement a loading management plan for the project that will promote safe and efficient travel for all users and set forth guidelines and procedures for loading and delivery options. Loading coordinators will be designated for the project's use components.

IV. Extension Request

As described in the Applicant's April 13, 2013 filings, concurrent with Applicant's modification request, the 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).

V. Witness List and Proposed Testimony

We look forward to presenting this case to the Commission. In its pre-hearing filing dated August 13, 2013, the Applicant provided its list of 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; and a representative of Bohler Consulting, the project civil engineer. The Applicant would also like to add the Project's landscape engineer, Landscape Architecture Bureau (LAB), to the list of witnesses proffered for the hearing.

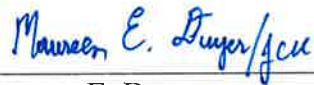
An outline of the testimony of the Applicant's landscape engineer is attached as Exhibit D and the relevant expert witness resume is attached as Exhibit E. In addition, an additional expert witness resume for a representative of SK&I Architects has been included in Exhibit E.

VI. Conclusion

As set forth above, the Applicant 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,

Handwritten signature of Maureen E. Dwyer in blue ink.

Maureen E. Dwyer

Handwritten signature of Jeffrey C. Utz in blue ink.

Jeffrey C. Utz

Certificate of Service

I certify that on November 15, 2013, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



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