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July 11, 2013

VIA IZIS AND HAND DELIVERY

D.C. Zoning Commission
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **Applicant's Post-Hearing Materials for Z.C. Case No. 12-16 (CG Marketplace, LLC – Consolidated PUD & Related Map Amendment for Various Lots @ Squares 5276, 5272, 5277, and 5246)**

Dear Members of the Commission:

On behalf of CG Marketplace LLC, as Applicant in the above-referenced case, we hereby submit one original and ten copies of the Applicant's post-hearing materials in support of Z.C. Case No. 12-16. The materials include the following information in response to the comments raised at the public hearing on June 20, 2013:

Design of Mixed-Use Building -The Applicant has made a number of refinements to the mixed-use building to address the comments raised by the Zoning Commission regarding this building. For example, the Applicant has shifted stair tower 2 to the west. The stair tower has a height of 10 feet and is set back 12 feet from the eastern edge of the roof. Thus, this structure now meets the set back requirements and no longer requires set back relief. (See Sheets A.03-01, A.03-02, and A.03-05 of the revised plan sheets attached hereto as Exhibit A). The Applicant has also introduced additional balconies to the building to further reinforce the residential character of the building. In all, 28 balconies (12 full-depth balconies and 16 juliet balconies) were added to the revised plans and the mixed-use building now contains a total of 40 balconies (See Sheets A.03-03 and A.03-04). The building's proposed color scheme has also been updated to include more vibrant colors that are consistent with the character of the overall development. (See Sheets A.03-11 through A.03-28). Finally, the Applicant has changed the size of the CMU module on the retail base from 8x16 to 4x16 which results in a more refined appearance at the base of the building. (See Sheets A.03-21 through A.03-27). These changes respond to all of the comments raised by the Zoning Commission at the public hearing, and further improve the overall design of the mixed-use building.

Restaurant Parcel -The project includes a sit-down restaurant site which is a critical component of the development and responds to the community's steadfast desire for a sit-down restaurant in the neighborhood. As indicated by the community representatives testifying at the public hearing, and in the multiple letters of support included in the record, the community's support for the development is due in large part to the inclusion of a sit-down restaurant. This is particularly true based on the limited number of quality dining offerings in Ward 7. Thus, the Applicant believes inclusion of the restaurant in the development is a public benefit since it is a use of special value to the neighborhood, as specified in Section 2403.9(i) of the Zoning Regulations.

The Applicant has designed the restaurant site to include a number of sustainability features and to be consistent with the design on the overall development. In addition, as shown on Sheet C.03-02 of the plan sheets attached hereto, the Applicant has revised the design of the porous pavers in the restaurant's parking lot to make the transition between pervious and impervious paving more intentional and strategic. The revised paving design will facilitate better practical maintenance and will ensure the durability of the proposed paving without compromising the overall stormwater management strategy for the restaurant site.

The Applicant notes that the initial PUD application as filed on August 29, 2011 included retail uses, a wellness center along the northern boundary of the PUD site, and the restaurant site with parking spaces fronting on East Capitol Street. However, the current proposal now includes the restaurant site with parking located behind the building. This change was made in an effort to increase street presence of the building and to be in agent in activating a better pedestrian experience along 58th Street.

During the public hearing, the Zoning Commission asked the Applicant to consider providing additional density on the restaurant site. Based upon current market conditions, the Applicant cannot currently provide additional density on the restaurant site. The Applicant believes that, based upon its experience developing other components of the overall Capital Gateway development and market analysis, the current proposed mix of uses and density can be absorbed by the market, whereas the current market cannot support additional residential or office demand on the PUD Site at this point. Moreover, adding additional uses on the restaurant site would require additional parking (subsurface or otherwise structured parking), which would increase the overall development and construction costs for the project, without any evidence that the market could support such additional density and costs. However, in the event that market conditions in the future would support more density on the restaurant site, the utility layout, construction type, and footprint of the proposed restaurant would enable the Applicant to return to the Zoning Commission to modify the PUD to allow for new uses on the restaurant site if the market could support additional uses and density at that time.

Access to the PUD Site from the Capitol Gateway Senior Residences - As discussed during the public hearing, the Capitol Gateway Senior Residences are located at 201 58th Street which is to the north of the proposed development. Residents of the Capitol Gateway Senior Residences will access the site by travelling south on 58th Street to East

Capitol Street. The area between the northern property line and the Capitol Gateway Senior Residences is wooded and impacted by a steep slope. Moreover, the primary uses along the northwestern portion of the proposed development are loading and service uses accessed from Private Street 1. Therefore, East Capitol Street is the primary patron entrance point for residents of the Capitol Gateway Senior Residences building and the general public since there are no safe or pedestrian-friendly access points along the northern portion of the PUD site. Moreover, the proposed pedestrian access route along 58th Street will help to activate 58th Street and provide more "eyes on the street" across from the proposed outdoor seating area of the restaurant site. Accordingly, the Applicant believes that the proposed access route on 58th Street is the safest, most convenient way for residents of the Capitol Gateway Senior Residences to access the proposed development.

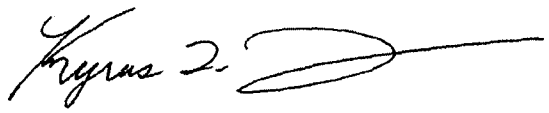
D.C. Department of Transportation Conditions - The D.C. Department of Transportation ("DDOT") requested at the public hearing that the Applicant continue to work with DDOT to: 1) explore the feasibility of constructing a direct connection to the Marvin Gaye Trail connecting to the PUD Site, and 2) discuss DDOT's recommendation that the Applicant construct pedestrian amenities at the intersection of East Capitol Street and Southern Avenue.

The Applicant has had extensive discussions with DDOT since the public hearing. Regarding the trail connection, DDOT and the Applicant have determined that constructing a direct connection to the Marvin Gaye Trail connecting to the PUD Site currently is not feasible since the Applicant does not own or otherwise control the land area between the Marvin Gaye Trail and the northern boundary of the PUD Site, and since there currently is no pedestrian bridge providing access from the trail across the Watts Branch. Thus, there is currently no practical way for a connection to made from the Marvin Gaye Trail to the PUD Site. Nonetheless, the Applicant has begun discussions with the D.C. Department of Parks and Recreation ("DPR") and with be working with DPR during the permitting process for the project to potentially grade along the easternmost boundary of the PUD site in an effort to eliminate the proposed retaining wall along the eastern boundary of the PUD Site. If the Applicant and DPR reach an agreement allowing the Applicant to grade along the eastern property line, then the Applicant will develop the grading on DPR's property in a manner that will enable the District to construct a connection from the Marvin Gaye Trail down to East Capitol Street in the future.

With respect to DDOT's recommendation that the Applicant construct pedestrian safety amenities at the intersection of East Capitol Street and Southern Avenue, the Applicant has agreed with DDOT on a scope of the proposed improvements, which will include the Applicant completing the following work: (a) excavation and installation of a concrete island/sidewalk extension of approximately 1,360 square feet along the northwest corner of East Capitol Street and Southern Avenue, and (b) modifying the existing crosswalks on the westbound lane of East Capitol Street that lead to the northwest corner of the intersection at East Capitol Street and Southern Avenue.

We believe that this submission fully-responds to the questions raised at the public hearing, and we look forward to the Zoning Commission's favorable consideration of this application.

Sincerely,



Kyrus L. Freeman

Attachments

cc: Advisory Neighborhood Commission 7C (w/attachments, via U.S. Mail)
Advisory Neighborhood Commission 7E (w/attachments, via U.S. Mail)
Maxine Brown-Roberts, D.C. Office of Planning (w/attachments, via Hand)