

December 23, 2020

VIA HAND DELIVERY AND IZIS

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 200S
Washington, DC 20001

Re: Z.C. Case No. 19-29: Updated Application of UM 1348 4th Street NE, LLC and 1250 4th ST NE LLC to the District of Columbia Zoning Commission for a new Consolidated PUD and related Zoning Map Amendment (the “Updated Application”) for 1346 4th Street, NE and 1348 4th Street, NE (3587, Lots 3 and 7) (collectively, the “Property”)

Dear Chairman Hood and Commissioners:

On behalf of UM 1348 4th Street NE, LLC, the authorized agent of the fee owner of 1348 4th Street and NE, 1250 4th ST NE LLC (collectively, the “**Applicant**”), and EAJ 401 New York Ave LLC (“**Withdrawn Applicant**”), the fee owner of 401 New York Avenue, NE (“**Withdrawn Property**”), we hereby submit this updated Application for a consolidated PUD and related amendment to the Zoning Map to allow the development of a multifamily residential building with ground floor retail, PDR/maker, below-grade parking, and other neighborhood-serving uses on the Property (“**Updated Project**”).¹

This filing simplifies the application filed November 22, 2019 for Z.C. Case No. 19-29 (“**Initial Application**”). In the period since the Initial Application was filed, circumstances have changed necessitating this Updated Application.

This cover letter summarizes certain fundamental and procedural changes simplifying the Initial Application. The attached statement, plans, and other supporting materials provide additional detail regarding the Updated Project and establish how the Updated Project and Updated Application satisfy the applicable PUD and Zoning Map amendment standards. Exhibit A-1 provides a one-page summary of the Updated Application.

¹ The Applicant and Withdrawn Applicant hereby simultaneously withdraw the Withdrawn Property from the pending case as part of this Updated Application.

Summary of Certain Changes

The Updated Application compares to the Initial Application in the following ways, all of which significantly simplify the process and substance of the Updated Project:

	Initial Application	Updated Application
Applicant	EDENS affiliates: UM 1348 4 th Street NE, LLC and EAJ 401 New York Ave LLC	EDENS affiliates: UM 1348 4 th Street NE, LLC and 1250 4 th ST NE LLC
Property	1348 4 th Street, NE, 401 New York Avenue, NE, and airspace between those lots	1348 4 th Street, NE and 1346 4 th Street, NE
Map Amendment	MU-30	MU-9
Approval Requested	Consolidated PUD; Map Amendment; Special exception for rooftop eating/drinking establishment; Airspace Development	Consolidated PUD; Map Amendment; Special exception for rooftop eating/drinking establishment
Program	Multifamily Residential; Retail/Restaurant; PDR/Maker Uses; Office	Multifamily Residential; Retail/Restaurant; PDR/Maker Uses

Explanation for Updating the Initial Application

The Applicant seeks to update the Initial Application for two reasons. First, the Initial Application included a bridge element over the 4th Street, NE airspace which was complicated from the perspective of agency regulatory approval and also came with some technical challenges. The lack of regulatory support and technical challenges became clear in early 2020 after the Initial Application was filed. Second, the Initial Application included a substantial commercial office component. The ongoing COVID-19 pandemic and related economic and public health effects have led the Applicant to conclude that there is no short-term market for such an amount of additional new office space in the Union Market District.

As a result, the Applicant has pivoted the Updated Project to a technically simpler, though still equally elegant and iconic, design and a primarily multifamily residential program. Without the airspace component, the 401 New York Avenue, NE portion of the Initial Application no longer made sense to include in the Updated Project, so that property has been withdrawn, and the 1346 4th Street, NE property added in its place to optimize the number of new housing and affordable housing units along with the site efficiency and design elements.

The Applicant also seeks somewhat less density than previously sought, and accordingly has reduced the Map Amendment request from the MU-30 Zone District to the MU-9 Zone District, which is a Zoning Map designation consistent with other PUDs in the Union Market District.

Attachments to the Updated Application

Along with this letter, this Updated Application includes the following (hard copies delivered to the Office of Zoning only where noted):

- Updated and Restated Statement in Support of the Application (Exhibit A);
- One-Page Summary of Updated Application (Exhibit A-1);
- Letter Authorizing this Updated Application from 1250 4th ST NE LLC (Exhibit B)²;
- Updated Certificate of Compliance (Exhibit C);
- Updated List of owners of property within 200 feet of the Property (Exhibit D) (*hard copies of pre-printed mailing labels to be delivered to the Office of Zoning*);
- Updated Analysis of the Application’s Consistency with the Comprehensive Plan (Exhibit E); and
- Updated and Restated Architectural Drawings, Plans, Elevations, Sections, Civil Engineering Plans, Maps, Tables, and Other Plans (Exhibit F).

The Applicant respectfully asks the Commission to schedule, at its earliest opportunity, this Updated Application for public meeting consideration to be set down for a public hearing.

Thank you for your attention to this Updated Application.

Respectfully submitted,

/s/ Jeffrey C. Utz

/s/ David A. Lewis

Enclosures

² Letters of authorization from UM 1348 4th Street NE, LLC, the Withdrawn Applicant, and the fee owner of 1348 4th Street, NE are included in the record of Z.C. Case No. 19-29 as Exhibits 3A2 and 3A3.

Certificate of Service

I certify that on or before December 23, 2020 (except as noted below), I delivered a copy of the foregoing document and attachments via e-mail or first-class mail to the addresses listed below*.

/s/ David A. Lewis

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*Any requested hard copies will be delivered after December 23, 2020.