

April 21, 2015

VIA ELECTRONIC FILING

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. 14-07: First-Stage and Consolidated PUD for  
1270 4<sup>th</sup> Street, NE (Parcels 129/77, 129/95, and 129/96 in Square 3587)  
Applicant's Response to ANC 6C Motion and Filing**

Dear Chairman Hood and Members of the Commission:

The Applicant respectfully objects to ANC 6C's request to reopen the record and disagrees with the additional report that was filed in the record on April 15, 2015. ANC 6C has not provided any new information or otherwise demonstrated good cause necessitating its response, and the Applicant would be prejudiced by additional delay in this matter. 11 DCMR § 3024.1. The ANC 6C resolution merely reiterates its previous issues, which were already discussed substantially at the hearing. Further, the Applicant has incorporated several suggestions made by ANC 6C into the Project, as set forth in the post-hearing submission and discussed more fully below.

ANC 6C is not automatically a party to the case because it is not an "affected ANC." The PUD is located entirely within the boundaries of ANC 5D. ANC 6C is located more than 200 feet away from the PUD site, and is in fact over 450 feet away, so ANC 6C does not fall within the radius of ANCs and property owners that are considered to be proximate to or directly affected by the zoning action. See 11 DCMR Section 3015.3(c). Furthermore, ANC 6C did not otherwise seek or receive party status. Therefore, unlike OP, DDOT, and ANC 5D (which is the affected ANC in this case), ANC 6C was not in a position to respond to the Applicant's post-hearing submission.

Notwithstanding the fact that ANC 6C is not a party to this case or directly proximate to the PUD, the Applicant engaged in an extensive dialogue with ANC 6C to address the ANC's issues and concerns over multiple months, which included attending and presenting at four ANC

6C meetings. The Applicant believes these discussions were fruitful and productive, resulting in design changes including integration of the Neal Place extension into the PUD (at significant cost and delay to the Applicant), landscaping and clearstory windows along the alley, funding for the Metropolitan Branch Trail study, and agreement to undertake trash cleanup on 4<sup>th</sup> Street.

Ultimately, however, the Applicant must balance ANC 6C's requests against the priorities of ANC 5D (the affected ANC), OP, DDOT, other stakeholders, and the Zoning Commission itself, such as creating a vibrant and safe retail street experience along 4<sup>th</sup> Street and providing additional affordable housing. The Applicant believes that it has achieved that balance by significantly increasing the amount of affordable housing that will be provided to households earning up to 50% AMI and opening Neal Place through the Project.

Furthermore, as the Applicant explained at the hearing, the alley design and improvements advanced by ANC 6C are fundamentally at odds with the current urban planning and design approach, which invests significantly in the reorganization of the street and alley system surrounding the Project into a traditional urban grid that focuses pedestrian and retail activity on streets, separate from vehicular and truck traffic in alleys.

- The Applicant's plan focuses pedestrian activity in its logical location along a primary public street on the urban grid in-line with both the Metrorail station and Union Market. The Project also proposes a reconstructed streetscape along 4<sup>th</sup> Street with approximately 26 feet of width to safely and comfortably accommodate pedestrian activity with street trees, a generous 10-foot wide sidewalk, pedestrian amenities, and visual interest created by the Project's retail. Truck and vehicular traffic is then placed along the alley, separate and apart from pedestrians as recommended by DDOT.
- The Applicant's design is based on extensive meetings with OP, DDOT, ANC 5D and ANC 6C. The Applicant's original design did not include the extension of Neal Place through the Applicant's property. There was consensus from the above mentioned stakeholders, which followed the recommendations of the Small Area Plan, that when possible, it was important to restore the urban grid. The extension of Neal Place was championed by ANC 6C under the premise that without the Neal Place Extension, 3rd Street would not be viable, and 3<sup>rd</sup> Street was critical to the property owners west of the alley between 3<sup>rd</sup> and 4<sup>th</sup> Streets, which has been incorporated into the plan that was presented to Zoning Commission.

- When DDOT originally proposed the cycle track in the alley, the Applicant preferred a bike lane located on 4<sup>th</sup> Street (adding to the vibrancy of 4<sup>th</sup> Street). However, after meeting with DDOT (specifically Mike Goodno), the Applicant was made to understand that the cycle track is designed primarily for two-way way bike traffic with the intent of limiting conflicts between bicyclists and other methods of transportation. DDOT felt strongly that the alley was the safest location because it eliminates pedestrian / bike conflicts and significantly reduces vehicular / bike conflicts. With this understanding, the Applicant agreed that locating the cycle track in the alley provided the safest design for pedestrians, bikers, and loading traffic. It also achieves the cycle track's primary goal of creating a direct bicycle connection to the existing train track underpass at the north end of the alley. ANC 6C's approach calls for a trail that would direct pedestrian traffic into the alley, increasing the pedestrian / bike conflicts as well as creating additional pedestrian / vehicular conflicts. This approach would be considerably less safe for both bicyclists and pedestrians and implies that buildings to the West of the alley will load from the future 3<sup>rd</sup> Street.
- Moreover, the concept advanced by the ANC is inappropriate given the length and width of the alley; the alley lacks the context and characteristics of a pedestrian-oriented alley and will divert pedestrians from both 4<sup>th</sup> and 3<sup>rd</sup> Street. The orientation of retail on the alley would significantly harm the retail on 4<sup>th</sup> Street and eliminate the opportunity for retail on the future 3<sup>rd</sup> Street. This would negatively impact the creation of a place within the neighborhood, as established as a goal in the Small Area Plan to create a vibrant mixed used destination to create a revitalized retail market. See Florida Avenue Market Small Area Plan dated June 2009, Page 53.

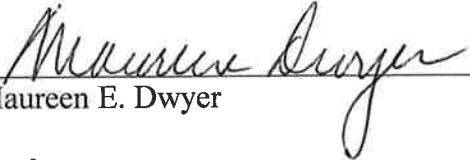
OP and DDOT have specifically weighed in and testified that the Applicant's proposed design for the alley is appropriate and will improve pedestrian safety by separating vehicular and pedestrian traffic. ANC 5D also supports the Applicant's approach, which will focus retail and pedestrian activity on 4<sup>th</sup> Street.

Although the Applicant and ANC 6C could not reach full agreement on every detail of this PUD, the Applicant has carefully considered and incorporated or addressed each of ANC 6C's concerns and looks forward to continuing to work with them in future efforts in the Union Market area.

Chairman Anthony Hood  
April 21, 2015  
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Respectfully submitted,


  
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**CERTIFICATE OF SERVICE**

I certify that on April 21, 2015, I delivered a copy of the foregoing document via electronic mail, hand delivery, or first class mail to the addresses listed below.

  
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