

August 6, 2014

**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. 14-07 – Application of 1250 4<sup>th</sup> ST EDENS LLC for 1270 4<sup>th</sup> Street, NE (Parcels 129/95 and 129/96 in Square 3587), Washington, DC (the “Property”) – Application of to the D.C. Zoning Commission for a 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, 1250 4<sup>th</sup> ST EDENS LLC (the “**Applicant**”), the applicant in Zoning Commission Case No. 14-07, hereby files its pre-hearing statement for its application for a consolidated planned unit development and related map amendment (the “**Project**”). The Applicant hereby requests to be scheduled for a hearing before the Zoning Commission at the earliest opportunity.

**Background**

The Property consists of Parcels 129/95 and 129/96 in Square 3587. The Property is located in the Northeast quadrant of the District of Columbia bounded by a vacant parking lot to the north, an industrial building to the south, 4<sup>th</sup> Street NE to the east, and a service alley to the west. It is less than 1/3 mile from the entrance to the NoMA-Gallaudet University Metrorail station to the southwest. The rectangular-shaped Property consists of approximately 51,000 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 improved with facilities designed for wholesale distribution and the improvements are oriented to facilitate the loading and offloading of trucks. The public space in front of the Property also prioritizes truck movements and loading activities at the expense of the pedestrian experience, as the sidewalk is interrupted with multiple curb cuts on 4<sup>th</sup> Street with portions of extremely narrow sidewalk in need of repair. The project is within the Florida Avenue Market, a warehouse district whose history is rooted in wholesale and retail food markets. The Florida Avenue Market has been identified and targeted for redevelopment by the District of Columbia and community in the Florida Avenue Market Study (“**Small Area Plan**”). The entire Florida Avenue Market area is zoned C-M-1.

On May 5, 2014, the Applicant filed an application for a consolidated planned unit development and related map amendment to permit the redevelopment of the Property. The Project will have a height of 110 feet and contain 8.0 FAR, for a total of approximately 408,000 gross square feet, comprised of 368,400 gross square feet of residential use (approximately 420 to 520 residential units) and approximately 39,600 gross square feet of retail use.

#### **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 June 30, 2014. 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 its further study and refinement. Specifically, the Commission requested that the Applicant study the design of the retained retail façade and how it relates to the residential façade above as well as provide additional information relating to the roof structures.

Since the filing of the initial application, the Applicant has been refining the concept design of the Project. The Applicant will meet with Office of Planning (“OP”) staff to review the design and gather input on it pre-hearing package to be submitted to the Commission. The Applicant will further develop elevations, as requested by OP in its setdown report dated June 20, 2014, for submission to the

Commission prior to the hearing. The plans will also incorporate feedback from DDOT and the community. The concept design and additional information requested by the Commission will be submitted to the Commission before the hearing.

Per the Zoning Commission's guidance at its June 30, 2014 and July 28, 2014 public meetings, the Applicant will file two alternatives for the roof structures prior to the hearing. The first plan will show a by-right scheme that is designed according to the current penthouse requirements (although the Applicant is requesting relief from the uniform height and single enclosure requirements of Section 411 of the Zoning Regulations). The second plan will show a scheme that would implement the amendments to the roof structure requirements as suggested under Z.C. Case No. 14-13.

2. Public Space Improvements. The Commission requested additional information regarding the Applicant's proposal for the improvement of the public space adjacent to the Property.

The Applicant has met with DDOT on the proposed streetscape plan and will continue to meet and work with DDOT to further develop the proposed "curbless" design, an element of streetspace design principles. The Applicant believes that the unique design approach to the public space is essential to creating the vibrant destination with active retail, to implement the vision of the Florida Avenue Market Study.

3. Benefits and Amenities. The Commission requested additional details and information regarding the Applicant's proposed benefits and amenities package offered by the Project. Specifically, the Commission requested information relating to the affordable housing offering and the sustainable design (LEED) equivalency of the Project.

The Applicant is working with Advisory Neighborhood Commission ("ANC") 5D and OP to further develop and define its benefits and amenities package. The Applicant will detail its benefits and amenities package prior to the hearing. In particular, the Applicant will study the affordable housing offered by the Project along with its sustainable design (LEED) commitment levels.

4. Parking Spaces and Parking Management Plan. The Commission requested additional information regarding the parking provided by the Project. Similarly, OP requested that the Applicant provide a Parking Management Plan.

As described by OP at the Project's setdown meeting, the Project's parking will be shared by other businesses and residents throughout the 45-acre Union Market District (also known as the Florida Avenue Market) due to the Market's fragmented ownership, small lot sizes, and existing structures likely to be maintained (which limits the opportunities for, and feasibility of efficient parking garage excavation). Therefore, it is the Applicant's intent to create "pools" of parking, where practical, to ensure that the Union Market District is sufficiently parked. An affiliate of the Applicant, the applicant in Z.C. Case No. 04-12, plans to utilize such parking over portions of the development of its project at 1309-1329 5<sup>th</sup> Street, NE. The Applicant will provide additional information on its "pooling" concept.

To that end, the Applicant will work with DDOT and OP to create its Parking Management Plan and submit such plan to the Zoning Commission in advance of the hearing.

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

The Applicant will continue to work with the community regarding the Project, including further discussion of the amenities package. The Applicant will meet with Advisory Neighborhood Commission 5D prior to the Zoning Commission hearing. At meetings to date, the commissioner of ANC 5D01 expressed support for the Project (as evidenced by the letter of support submitted with the initial application). The Applicant will continue to engage with community members, local institutions, local vendors, other nearby owners, and interested individuals prior to the public hearing as well.

#### **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 four witnesses to testify on its behalf: representatives of the Applicant, a representative of Shalom Baranes Architects, the project architect, a representative of Gorove/Slade Associates, Inc., the traffic consultant, and 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 any 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**

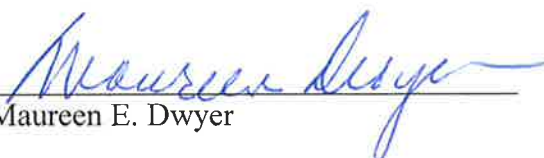
The Applicant will file its hearing fee of \$30,936 with the Commission. Such amount is calculated as shown on Exhibit C, the Applicant's Hearing Fee Calculator (Form 116).

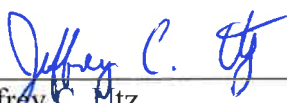
**Conclusion**

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 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,

  
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Maureen E. Dwyer

  
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Jeffrey C. Utz

## Certificate of Service

I certify that on August 6, 2014, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.

  
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Jeffrey C. Utz

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