

August 27, 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 4th ST EDENS LLC for 1270 4th Street, NE (Parcels 129/95 and 129/96 in Square 3587), Washington, DC (the “Property”) – Application to the D.C. Zoning Commission for a Consolidated Planned Unit Development and Related Zoning Map Amendment – Pre-Hearing Submission of the Applicant

Dear Chairman Hood and Commissioners:

Pursuant to 11 DCMR Section 3013.1, 1250 4th ST EDENS LLC (the “**Applicant**”), the applicant in Zoning Commission Case No. 14-07, hereby files a pre-hearing submission 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.

I. 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, 4th Street NE to the east, and a service alley to the west. The Property is located in the 45-acre Union Market District (also known as the Florida Avenue Market).

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.

II. 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. Specifically, at the setdown meeting, the Commission requested clarification on certain items, which the Applicant has addressed in its August 6, 2014 submission and the responses below.

A. Building Design and Roof Plans

The Commission discussed the proposed design of the Project and requested its continued refinement. Specifically, the Commission requested additional clarity on the Applicant's proposed roof structure.

Per the Zoning Commission's guidance at its June 30, 2014 and July 28, 2014 public meetings relating to Z.C. Case No. 14-13 proposed by the Office of Planning ("OP"), the Applicant is submitting two alternatives for the roof structures as Exhibit A and Exhibit B. Exhibit A shows a by-right design that is reflective of the current roof structure and penthouse requirements under existing Zoning Regulations (although the Applicant is requesting relief from the uniform height and single enclosure requirements of Section 411 of the Zoning Regulations as described in the Applicant's application statement dated May 5, 2014). Exhibit B shows an alternative design intended to reflect the proposed amendments to the roof structure and penthouse requirements as suggested under the setdown report for Z.C. Case No. 14-13. The Applicant has also provided Exhibit C to detail the roof top treatment of the Project, which is applicable to both roof structure alternatives. Elevations depicting the proposed roofs structure and penthouse designed under the existing Zoning Regulations are attached as Exhibits D-1 and D-2. Elevations depicting the proposed roof structure and penthouse in accordance with the amended roof structure requirements as proposed by OP in Z.C. Case No. 14-13 are attached as Exhibits E-1 and E-2.

The Commission requested that the Applicant study the design of the retained retail façade and how it relates to the new residential façade above. The Applicant is following the Commission's direction and is working through a coordinated design process to further refine and detail this relationship within the façade design.

A detail showing the relationship between the retained façade and the new residential façade above is attached as Exhibit F. The Applicant's design rationale is based upon a desire to link the new residential volumes to the existing fabric and

character of Union Market through the adaptive reuse of the existing warehouse façade. The existing façade serves as a pedestal for the four new residential volumes to be constructed above. The Applicant intends to adapt many of the features of the existing facade, such as windows and loading bays, in its ground level design to integrate such unique features into the retail design. Special attention is being paid to the interaction between the retail and residential elements to directly address the Commission's comments. The Applicant will review such updated design studies with OP prior to filing its final pre-hearing submission to confirm that the Commission's comments have been sufficiently addressed. The Applicant will further supplement the record with additional refined plans no less than 20 days prior to the hearing.

B. Further Study of Public Space Improvements

The Commission requested further study and coordination with DDOT regarding the Applicant's proposal for the improvement of the public space adjacent to the Property.

The Applicant has included additional pages here to more clearly show the proposed design of the public space. These pages are attached as Exhibits G-1 and G-2. These pages detail the various segments of the public space adjacent to the Property. Each such segment is intended to operate independently, yet flow as a cohesive and more engaging public realm.

The Applicant believes that the appropriate design of the public space is essential to create a vibrant destination with active retail to implement the vision of the Florida Avenue Market Study. As described in the Applicant's application statement, the public space design proposed for the Project will create the stimulating streetscape environment that will support the active, energetic and unique district planned for the Florida Avenue Market. It will encourage a greater degree of usage of public space, along with a higher amount of interaction with the retail uses at the Property.

Since the setdown hearing the Applicant has had two productive working meetings with DDOT and is scheduling additional meetings with DDOT to further develop the proposed streetscape design. These conversations with DDOT are informing the treatment of important details such as transitions from existing conditions to new conditions, curbless design, accessibility, traffic patterns, loading operations, and implementation of improvements to facilitate the coexistence of existing wholesale businesses with the enhanced streetscape design. The discussions with DDOT to date have been collaborative working sessions and the following meetings between DDOT and the Applicant will solidify the appropriate design treatment to ensure a thoughtful, active design that is both functional and safe. The Applicant will detail any design refinements or changes of the public space to the Commission prior to the hearing.

C. Benefits and Amenities Enhancements and Clarifications

When discussing the benefits and amenities of the Project, the Commission requested that the Applicant enhance the proposed affordable housing offering and the sustainable design (LEED) equivalency of the Project.

The Applicant has increased its proposed offering for affordable housing based on feedback from the Commission that affordability levels beyond the Inclusionary Zoning requirements of 80% of AMI would be preferred. The Applicant will provide five (5) of its approximately 34-42 affordable residential units at 50% of the Washington DC Area Median Income (“AMI”) for a ten (10) year period. After such time period, these five (5) affordable units would revert to 80% of Washington DC AMI in perpetuity.

The Commission also recommended that the Project achieve greater sustainable design (LEED). In response, the Applicant has increased the proposed design standards to meet a LEED Silver equivalent rating (although the Applicant may elect not to seek certification for the building).

Additionally, the Applicant will continue to work with Advisory Neighborhood Commission (“ANC”) 5D and OP to further refine additional details of its benefits and amenities package. For example, as part of the updated benefits and amenities package, in an effort to provide opportunities for the neighboring community, and to positively impact the higher proportions of unemployment within the Property’s census tract, the Applicant will work with ANC 5D to provide timely advance notification of the Project’s initial retail job openings within the development to Ward 5 residents.

The Applicant will provide additional information regarding the benefits and amenities to the Commission prior to and at the hearing.

D. Clarifications to Proposed Parking Approach

The Commission requested additional information regarding the parking provided by the Project.

As described by OP at the Project’s setdown meeting, the overall 45-acre Union Market district has substantially limited opportunities for off-street parking. Due to the Union Market district’s fragmented ownership, small lot sizes, and many existing structures that are likely to be maintained (in particular the majority of properties from Florida Avenue to Penn Street on the east side 4th Street and the west side of 5th Street), there are few opportunities to construct below grade off-street parking. The Applicant’s Property is one of the few parcels where excavation and construction of underground parking is feasible. Therefore, the Applicant has proposed this Project as a solution to

help offset the likely undersupply that can be offered elsewhere. It is the Applicant's intent to create "pools" of parking, where practical, to enable the Union Market district to have sufficient parking. The Project helps support the parking needs of the overall 45-acres as the Union Market district is redeveloped. Additionally, the Applicant will develop a Parking Management Plan in its continued consultation with DDOT.

In meetings with DDOT and OP prior to and subsequent to the setdown meeting, both agencies have expressed an understanding of the Applicant's parking pools approach as a solution to the future needs of the 45-acre district and to help encourage redevelopment of the area as recommended by the Florida Avenue Small Area Plan.

III. Working with Community

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.

IV. Applicant's August 6th Submission

The Applicant hereby includes its August 6, 2014 submission by reference. Such filing included the resumes of the proposed expert witnesses along with outlines of witness testimony for the Applicant's team. As stated in such filing, the Applicant anticipates that its presentation will require up to 60 minutes.

V. Hearing Fee

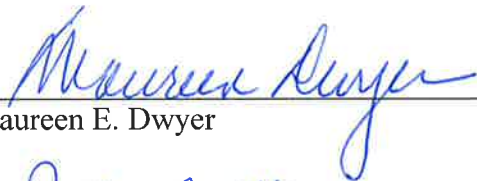
The Applicant encloses its hearing fee of \$30,936 to the Commission. Such amount is calculated as shown on Exhibit 7C of the Record, the Applicant's Hearing Fee Calculator (Form 116).

VI. 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,



Maureen E. Dwyer



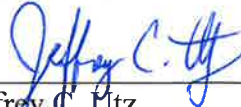
Jeffrey C. Utz

**CERTIFICATION OF COMPLIANCE WITH SECTION 3013 OF THE ZONING
REGULATIONS**

The Applicant hereby certifies that this pre-hearing submission, which has been filed with the Zoning Commission on August 27, 2014, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<u>Sub-Section</u>	<u>Page</u>
3013.1(a) Information Requested by the Commission; Updated Materials Reflecting Changes Requested by the Commission	Pre-Hearing Submissions Filed Herewith and August 6, 2014
3013.1(b) Witnesses	Pre-Hearing Submissions Filed August 6, 2014
3013.1(c) Summary of Testimony of Applicant's Witnesses and Reports for the Record:	Pre-Hearing Submissions Filed August 6, 2014 (Ex. B)
3013.1(d) Additional Information, Reports or Other Materials Which the Applicant Wishes to Introduce	Pre-Hearing Submissions Filed Herewith and August 6, 2014
3013.1(e) Reduced Plans	To be filed no later than 20 days prior to hearing
3013.1(f) List of Publicly Available Maps, Plans, and Other Documents	Pre-Hearing Submissions Filed August 6, 2014
3013.1(g) Estimated Time Required for Presentation of Applicant's Case	1 Hour
3013.6(a) List of Names and Addresses of All Property Owners within 200 Feet of the Subject Property	Application (Ex. G)

Respectfully submitted,



Jeffrey C. Utz

Certificate of Service

I certify that on August 27, 2014, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

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