

1270 4th Street, NE



APPLICATION FOR REVIEW AND APPROVAL OF A CONSOLIDATED PLANNED UNIT
DEVELOPMENT AND RELATED MAP AMENDMENT

May 5, 2014

DEVELOPMENT TEAM

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LIST OF EXHIBITS

Description	Exhibit
Architectural Drawings, Elevations, Renderings, Sections, Streetscape Designs, Landscaping, Civil, Pictures of Property and Surrounding Area, Site Plans, Maps, and Other Plans	A
Application Forms and Agent Authorization Letter	B
Sanborn and Baist Plats and Zoning Map with Property Highlighted in Red	C
Excerpts of Comprehensive Plan Future Land Use Map and Generalized Policy Map	D
Certificate of Compliance with Chapter 24	E
Certificate of Notice and Notice of Intent to File	F
Property Owner List	G
Building Plat	H
Selected Pages of the Florida Avenue Market Small Area Plan	I

PREFACE

This statement is submitted by 1250 4th ST EDENS LLC in support of an application for the consolidated review and approval of a Planned Unit Development and Map Amendment for the property known as 1270 4th Street NE (Parcels 129/95 and 129/96 in Square 3587) before the District of Columbia Zoning Commission. The property that is the subject of this application is in the Northeast quadrant of the District of Columbia between Morse Street, 4th Street, Neal Street, and an alley. The related Map Amendment proposes to rezone the site from the C-M-1 to the C-3-C Zone District.

The Applicant is requesting approval of this PUD in order to create an exciting vibrant mixed use retail and residential project on the site that will provide a key step in the direction of the revitalization of the 45 acre Florida Avenue Market (also known as Union Market) area consistent with the goals of the Florida Avenue Market Study Small Area Plan and the DC Comprehensive Plan. In total, approximately 420 to 520 residential units (containing approximately 368,400 gross square feet of residential space) with approximately 39,600 gross square feet of retail will be created as a result of this project. The project will contain approximately 8.0 FAR, for a total of approximately 408,000 gross square feet, and have a height of 110 feet.

Submitted in support of this application are a completed PUD application form, a notice of intent to file a PUD (with property owner list and certification of mailing), architectural drawings, and a map depicting the zoning districts for the property and the surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

I. INTRODUCTION

A. Summary and Purposes of the Application

1250 4th ST EDENS LLC (the “**Applicant**”) hereby submits an application to the Zoning Commission of the District of Columbia (“**Commission**”) for consolidated review and approval of a Planned Unit Development (“**PUD**”) and related Zoning Map amendment to the C-3-C Zone District.

The project site consists of Parcels 129/95 and 129/96 in Square 3587 (the “**Property**”). The Property consists of approximately 51,000 square feet of land area and is currently improved with warehouses and distribution facilities. The Property is located within the boundaries of Advisory Neighborhood Commission (“**ANC**”) 5D. The Property is presently zoned C-M-1.

The Applicant is seeking approval of the PUD and Zoning Map amendment in order to create a vibrant mixed-use retail and residential project on the Property (the “**Project**”) as shown on the plans attached hereto as Exhibit A (the “**Plans**”) that will be consistent with the goals of the Florida Avenue Market Study Small Area Plan (“**Small Area Plan**”). The Project is designed to be an early embodiment of the principles and recommendations of the Small Area Plan. While the Project is planned to incorporate the Small Area Plan generally, the Project places a significant focus on the important “place-making” and public realm themes of the Small Area Plan, creating both a vibrant living and shopping experience on an underutilized parcel and a energetic, unique public space adjacent to the Property. The result will be that the Project will be an early mover towards the Small Area Plan’s vision and will foster further similar investments that will contribute to the full implementation of the Small Area Plan.

In total, approximately 420 – 520 residential units (containing approximately 368,400 gross square feet of residential space) and approximately 39,600 gross square feet of retail will

be created as a result of the Project. The Project will contain an FAR of 8.0, for a total of approximately 408,000 gross square feet, and will have a height of 110 feet.

The Applicant proposes amenities such as significant public space and streetscape upgrades intended to stimulate and enhance pedestrian activity within Union Market, exemplary architecture, approximately 40,000 square feet of street-engaging retail with high-ceilings intended to germinate other development in the vicinity, affordable housing, sustainable design, restoration and adaptive reuse of portions of the Property's original warehouse facade, and other amenities.

Affiliates of the Applicant, also affiliated with Edens Realty Inc., recently restored and reopened the nearby Union Market with much success and also obtained a modification approval of the Gateway Market project by Zoning Commission Order No. 06-40C. Over the past few months, the Applicant has held numerous meetings with many stakeholders in the Project. The Applicant has met with the Office of Planning to present its proposed application. Additionally, the Applicant has reached out to ANC 5D (where the Property is located), the Office of the Deputy Mayor for Planning and Economic Development and other community groups and stakeholders such as the Trinidad Neighborhood Association to ensure the Project simultaneously achieves the goals of the District of Columbia, the community, and the Applicant. As mentioned below, the Applicant received a letter from the Property's ANC 5D Single Member District Representative in support of setdown for the Project.

B. Applicant

The Applicant is Edens Realty, Inc. ("**Edens**"). Edens develops, owns, and operates community-oriented shopping places in primary markets throughout the East Coast. Edens prides itself in introducing pioneering, innovative concepts, creating the right merchandise mix,

delivering seamless construction projects, and maintaining ownership and management, and has done so on numerous projects up and down the East Coast for nearly 45 years. Edens has developed a strong national reputation through its commitment to enriching the communities it serves and its focus on building key relationships with neighbors, retailers and project partners. Three local examples of the Edens innovative and well-planned approach can be found at Union Market at 1309 5th Street, NE, and in Mosaic District at Lee Highway & Gallows Road in Merrifield, VA. Each local project has achieved great success and garnered accolades for Edens' vision and unique introduction of new retail concepts. Edens also recently obtained an approval of a modification to the PUD at 340 Florida Avenue, NE under Zoning Commission Order No. 06-40C, which will allow for the introduction of a neighborhood-anchoring retail and residential uses.

The Applicant's residential development partner is Level 2 Development ("**Level 2**"). Level 2 is an award winning real estate development firm based in Washington, DC. Since 2004, Level 2 has planned, constructed and entitled over 750 residential units and 68,000 square feet of retail space. Level 2 specializes in the development of mixed-use buildings which transform emerging neighborhoods, and is renowned for its role in the renaissance of DC's 14th Street Corridor. Level 2's signature projects View 14, Capitol View on 14th, and The Harper have contributed 580,000 square feet of mixed-use space to the area, including 600 apartments and 55,000 square feet of retail. Level 2's contribution to the neighborhood has helped the dramatic shift from a blighted and underutilized zone to one of the most sought after and vibrant mixed-use communities in the District. Level 2's approach to development is not constrained by convention. With backgrounds in engineering, retail entrepreneurship, economics, and architecture, Level 2's small team uses a dynamic and multidisciplinary approach

to cultivate innovative development projects and deliver meaningful impact to urban communities.

II. SITE AND AREA DESCRIPTION AND ZONING

A. Location and Current Use

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 an alley to the west. It is also in the west portion of the Union Market. 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 ANC 5D in Ward 5. The Ivy City neighborhood is to the north, with Trinidad to the east and Eckington to the west. The site is currently improved with a 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 4th Street with portions of sidewalk in need of repair.

B. Surrounding Area

The Property is within Union Market (“**Market**”), a warehouse district whose history has been to accommodate the city’s food wholesalers. Today, the Market is a conglomeration of wholesalers and retailers of foodstuffs, dry goods, jewelry, tourist souvenir items, hair care products, and general merchandise. The Gallaudet University campus is just east of the Market.

The Property and the Market are in Census Tract 88.03. Census data has demonstrated the neighborhood’s need for more and better jobs. From 2007-2011 the average poverty rate in

this Census Tract was 49%, much higher than the District average of 18%. The average median income for a family in this Census Tract was \$47,339, well below the District average of \$121,090.

The area surrounding the PUD site, particularly the Market, is becoming the center of substantial commercial and residential development projects, some under construction, some awaiting zoning approval, and some in preliminary planning stages. The area south of the Property and the Market is the NoMA Business Improvement District which has seen a surge in development and investment to create a new primarily office and residential neighborhood community, yet it still remains devoid of sufficient retail offerings. Among the major recent and pending developments within a half-mile radius of the Property are: (i) the Constitution Square complex, which includes 2.5 million square feet of mixed-used space including office, hotel, residential, and retail in NoMA; (ii) JBG is currently constructing the 200-room Hyatt Place at 33 New York Avenue, NE; (iii) the 218-room Courtyard by Marriott at 1325 Second Street, NE; (iv) MRP Realty is currently constructing the roughly 1 million square foot Washington Gateway project including residential, retail, and office space at a maximum height of 130 feet on the triangular lot to the north and east of the intersection of Florida and New York Avenues; (v) an affiliate of Edens recently received approval for the Gateway Market project to the south across Morse Street, which will include 170-216 residential units and ground floor retail; and (iv) an affiliate of Edens redeveloped the Union Market located at 1309 5th Street, NE with a unique open market concept that has a local neighborhood, city, and regional draw.

The Market area is primarily zoned C-M-1 currently. However, in accordance with the recommendations of the Small Area Plan, two sites have been rezoned to C-3-C (under Zoning Commission Order Nos. 06-40 through 06-40C, which approved the Gateway Market, Inc.

project at 340 Florida Avenue, NE, and Zoning Commission Order No. 11-25, which approved the Baywood Hotels project at 501 New York Avenue, NE). Northwest of the Market, across New York Avenue, property from the railroad right of way north to Rhode Island Avenue and east to Brentwood Road is zoned in the M District. Directly to the east of the Market, the Gallaudet campus and nearby residential properties are in the R-4 District. South of the Market, properties south of Florida Avenue to H Street, from the railroad tracks on the west to about 3rd Street on the east, are zoned in a mixture of C-M-1, C-M-3, C-2.-B, C-3-A, and C-3-B Districts. From 3rd Street moving east, most properties are zoned in the R-4 and R-5 Districts.

III. PROJECT DESCRIPTION

The proposed Project will contain a vibrant mixed-use retail and residential project on the site that will reinvigorate the Market. The planned Project is a retail and residential structure with underground parking. The Project is designed with an eleven (11) story building fronting on 4th Street. The design is intended to present the structure as a cohesive whole at the ground floor retail engaging pedestrians on 4th Street and reminiscent of the existing warehouse with some retail areas having a clear height of over 22 feet. The residential structure will rise above the retail area in four distinct “volumes” to provide visual variety and to break down the massing along the Property’s 425 feet of frontage along 4th Street. Although they are not designated as structures requiring historic preservation, the Applicant is retaining, restoring, and adaptively reusing the original warehouse facade on the Property and utilizing it as an engaging pedestal for the four residential volumes to “float” 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. It is this retention, restoration, and reuse of the Property’s original warehouse facade that allows for the Project to become an integrated expression of the Market. Such retention also achieves the

Small Area Plan's goals of maintaining the Market's unique character and sense of place, at significant cost to the development.

The Project will have a floor area of approximately 408,000 gross square feet (“GSF”), for an effective FAR of 8.0. The building will include approximately 368,400 gross square feet of residential use and 39,600 gross square feet of retail use. The lot coverage will be 100%, and the maximum height of the building will be 110 feet. Loading and parking access will be at the rear of the Property from the alley. The underground parking garage will contain approximately 400-550 parking spaces on four levels to serve the Project's residents and retail tenants and the Market at large¹. The Project will provide all required loading facilities.

Retail

The Project will have ground-floor retail of approximately 39,600 gross square feet designed to provide an engaging street retail experience. The retail located along 4th Street will be filled with shops and restaurants whose activity will spill out onto the sidewalk – characterized by a wide pedestrian zone and vibrant outdoor seating areas. This retail space will celebrate the original warehouse structure and will accentuate its industrial materials and form, providing a unique and rich experience for patrons and visitors. The retail base is inspired by the active and energized streetscape approach that Edens' has successfully delivered on other projects throughout the country.

The retail spaces will be accessed through the individual, differentiated storefronts on 4th Street that will bring new life to the warehouse character of the existing building and neighborhood. The Applicant aims to provide the maximum amount of retail space on the

¹ The Applicant requests flexibility to construct a four (4) or five (5) level parking garage containing approximately 400 to 550 parking spaces. The five level parking garage would contain approximately 550 parking spaces. The fifth level of parking could be provided to accommodate parking demand from the remainder of the Market, where it is unlikely parking will be adequately provided due to the fractured ownership and smaller sites. The Project affords an opportunity to include additional parking now, if viable.

ground floor so that the Project will engage pedestrians to the maximum extent possible. The retail space also will have taller ceiling heights than a typical ground story. The retail level will have ample floor-to-ceiling height clearances ranging from approximately 14 feet to 22 feet to accommodate multiple types of tenants. The multi-tenant retail space will accommodate a range of retail users, from smaller boutique users with to a large anchor tenant, in line with the recommendation of the Small Area Plan. The building's retail base is primarily comprised of the existing brick facade of the warehouse, which underscores the industrial/commercial feel of the Market. The retail portion of the facades would include dramatic industrial canopies along with large roll-up and garage doors which encourage connectivity between the retail and the public realm.

Applicant requests flexibility to design the retail facades in accordance with tenant and market requirements.

Residential

The residential component will be comprised of floors two through eleven of the building and will be arranged as two separate elements, each with their own cores. Each element will have two "volumes", which will allow the Project to be visually articulated as four "volumes." These "volumes" will be separated from the retail platform with a glassy recessed interstitial space which will allow the residential component to appear to be floating over the retail platform. This design will add visual variety and break up the otherwise long singular massing appearance of the building along 4th Street. This design will provide the greatest number of units with views, many in all four directions.

The building will contain a mix of units that range in size from studios though 3-bedroom units. The building also will include numerous interior amenity spaces for residents. The

residential unit mix will be submitted with a subsequent filing to the Zoning Commission. The residential component will provide approximately 29,472 gross square feet to be set aside for affordable housing, in compliance with the Inclusionary Zoning regime in the District.

The materials utilized for the residential component of the Project will be primarily brick masonry for the northern half of the residential component and pre-cast concrete panels for the southern half of the residential component. A metal and/or glass railing system and aluminum/glass window assembly will be utilized on balconies throughout the project. The residential lobby will be accessed from 4th Street in the center of the block, integrated among the retail spaces.

Parking, Loading, and Access

Parking for approximately 400-550 cars will be provided on four or five underground levels. If a four level garage is constructed, approximately 200 spaces will likely be reserved for the Project's residential component and 250 spaces will likely be reserved for the retail use, assuming 450 parking spaces are provided in the Project. If the five level garage is constructed, the additional parking spaces will likely be utilized by the retail component of the Project and Market users at large. The parking entrance will be accessed from the alley at the rear of the Property. Such location will minimize impacts on 4th Street, maximize retail and residential lobby frontage on 4th Street, and reduce pedestrian-automobile conflicts as much as possible. Drivers will typically access the alley from Morse Street to the south. Initial design of the parking garage includes separate ramps for the retail users and residents of the Project.

Further, significant amounts of bicycle parking will be provided on the B1 level, in a designated area, as shown on Page A2 of the Plans. The Applicant will include approximately

142-175 bicycle parking spaces in such area, in accordance with the Zoning Regulations and the recently published DDOT bicycle parking regulations for residential buildings.

Similar to the Project’s parking approach, the Project’s load will be accessed off the alley at the rear of the Property, at the first floor level. The loading dock’s location in the alley facilitates truck maneuvering that will not adversely impact operations or pedestrian safety on 4th Street. Two 30 foot loading berths will be provided for the retail use and two 30 foot loading berths will be provided for the residential use, along with the adjacent loading platforms required by zoning. Such loading facilities will allow space for the types of trucks, delivery vans, and service vehicles anticipated to service the Project.

Overview

The Zoning Tabulations Sheet included as Page Z1 of the Plans provides a detailed overview of the proposed building and the requirements and restrictions of the C-3-C zoning. The following table illustrates the zoning parameters of the proposed Project:

	<u>Proposed</u>	<u>Allowed/Required by C-3-C Matter-of-Right</u>	<u>Allowed/Required by C-3-C PUD</u>
<u>Height</u>	110’	90’	130’; although 110’ due to 4 th Street NE here
<u>Number of units</u>	420-520	No maximum	
<u>FAR</u>	8.0	6.5	8.0
<u>Square footage</u>	408,000	331,500	408,000
<u>Lot occupancy</u>	100%	100%	
<u>GAR</u>	0.2	0.2 required	
<u>Parking</u>	400-550 spaces	1 for each 4 dwelling units (105-130 spaces); 1 for	

		each 750 SF of retail above 3,000 (49 spaces)	
<u>Affordable housing</u>	29,472 gross square feet	8% of residential GFA	8% of residential GFA

A. Development Parameters Under Existing Zoning

The PUD guidelines for the C-3-C District allow a height of 130 feet and a maximum FAR of 8.0. The C-3-C District, as a matter-of-right, permits a maximum height of 90 feet, a maximum lot occupancy of 100%, and a FAR of 6.5.

B. Project Goals and Objectives and Benefits of Using PUD Process

The PUD process is the appropriate means for realizing this development because it will provide the community and the District the tools to ensure that the Project is well-designed and best meets the needs of the community. It further will allow the public to provide its input on whether the proposed uses, density, height and design are complementary to the existing community. The Property is an important site for promoting further development in the Market. The Applicant believes that through the PUD process, it will create an exemplary mixed-use development that will enable residential use to be constructed on the site along with community-serving or community-anchoring retail which will begin to realize the District’s, the community’s, and the Applicant’s vision for the Market. The PUD process will provide the framework for realizing the potential of this site capturing the benefits and amenities that will enhance the surrounding community and the Market itself.

C. Zoning Flexibility Requested.

In addition to the rezoning of the Property from C-M-1 to C-3-C and the application of the PUD standards in Chapter 24 of the Zoning Regulations, the Applicant requests the following relief from strict application of the relevant provisions of the Zoning Regulations through the flexibility allowed by the PUD process:

1. A waiver of the required rear yard of 23 feet, six (6) inches, as shown on Page Z2 of the Plans.
2. A waiver of the open and closed court requirements to allow for the unique open spaces created by the Project's design, as shown on Page Z2 of the Plans.
3. A waiver of the loading requirements to allow for the inclusion of two (2) 30 foot loading berths/spaces instead of one (1) 55 foot loading berth and one (1) 20 foot loading space for the residential component.
4. A waiver of the roof structures requirements to allow for roof structures do not have uniform heights and the inclusion of more than one roof structure enclosure to allow for the servicing of each of the residential "volumes" described in this statement.

D. Development Timeline

Development and permitting will begin upon the receipt of the Order approving this application, should this application be approved. Construction would commence upon receipt of building permits and is expected to take approximately 24 months.

IV. THE APPLICATION MERITS APPROVAL PURSUANT TO THE PUD EVALUATION STANDARDS

The Zoning Regulations, at 11 DCMR § 2403.1 *et seq.*, set forth the evaluation standards for Commission approval of PUD applications. The PUD must not have an unacceptable impact on the surrounding area and the operation of city services and facilities, it must not be inconsistent with the Comprehensive Plan and other adopted public policies and programs, and it must offer project amenities and other public benefits that are superior to what would likely be provided under matter-of-right development. The Project's impact on the surrounding area and city services and facilities is discussed below. Consistency with the Comprehensive Plan is addressed in Section V, and public benefits and project amenities are described in Section VI.

A. Project Impact On the Surrounding Area

The PUD Evaluation Standards, at 11 DCMR § 2403.3, state: "The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be

unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”

The Applicant submits that the impact of the Project on the surrounding area will be favorable because it will: 1) bring much needed new market rate and affordable housing, retail, and jobs to the neighborhood, 2) provide community-serving or community-anchoring retail to complement the wholesale retail in the neighborhood, 3) promote the goal of transit-oriented development, and 4) germinate additional development within the Market and surrounding area. Along with the success of Union Market and the implementation of the Gateway Market project approved by Z.C. Order No. 06-40C, it will facilitate the long-awaited renaissance of the Market so that it becomes a true destination within the District not only for residents of the District, but also for residents of neighboring jurisdictions, tourists and, visitors to the District of Columbia.

Moreover, the Project’s proposed height and massing are consistent with current development projects in the area and with the District’s planning goals for the future of this area. Given the Project’s position in the early stages of development within the Market’s redevelopment lifecycle, it will establish and promote the standard for future development. In fact, the Project is giving life to the vision set forth in the Small Area Plan. The Project is designed to be an early implementation of the principles and recommendations of the Small Area Plan. Specifically, the Project achieves the essential “place-making” and public realm themes of the Small Area Plan, as it creates a vibrant living, shopping and dining experience on an underutilized parcel and a lively, unique public streetscape adjacent to the Property, while retaining and enhancing the character of the Market.

The Project will create 420-520 new housing units on property located less than 1/3 mile from the entrance to the NoMA-Gallaudet Metrorail station. The Property is within a half-mile

radius of several high-density office, retail, and residential developments. These nearby projects will bring into the area several thousand workers, many of whom may be in the market for nearby housing and retail goods.

The Project's residential component will help to meet the housing needs for the area's new workers as well as current neighborhood residents seeking new housing opportunities.

The Project's retail component also will have a favorable impact by providing neighborhood-serving retail amenities to an underserved neighborhood and by creating new jobs in an area of the District with one of the highest unemployment rates. Specifically, the Project's retail component will contribute to a destination retail area and will bring much-needed consumer serving retail amenities to an otherwise underserved market. In addition, the significant retail portion of the Project shall help stem and reverse the retail 'leakage' experienced by the District of Columbia.

The Project will also improve the attractiveness of what is expected to be the main arterial through the Market: 4th Street. Fourth Street will be traversed by many pedestrians and cars visiting the Market, and the Project will help create the sense of place along that important street. In fact, the Applicant's proposed "curbless" streetscape will allow for a unique integration of the pedestrian into the fabric of the Market which will assist in place-making as pedestrians, residents, and patrons walk the unique public space of the area. The Project will contribute to the overall revitalization within the Market and the broader neighborhood's emergence as a major crossroads destination for hundreds of thousands of citizens and visitors annually.

B. Project Impact on City Services and Facilities

The proposed Project will not have an adverse impact on the public facilities that it will rely on for service.

i. Transportation and Parking

Due to its proximity to other of its projects in the Market, the Applicant has already studied traffic conditions and impacts of the area. The Applicant will utilize and enhance the information and analysis from such prior work. The Applicant engaged a traffic consultant, Gorove Slade Associates, to further study the area's traffic conditions and the Project's traffic generation. The Applicant will submit its Traffic Impact Study in the Applicant's Pre-Hearing Submission (or earlier) and will continue to work with DDOT to refine the project's vehicular and pedestrian circulation plans. The Property is located in the vicinity of the NoMA-Gallaudet Metrorail Station.

Although the southern edge of the Market is fully served by pedestrian facilities along Florida Avenue, including sidewalks and crosswalks with pedestrian signals (countdown) at intersections, this is not true for 4th Street, including the portion of public space adjacent to the Property. Therefore, as part of the Project, the sidewalks and streetscapes abutting the Property will be upgraded to provide a more pedestrian-friendly experience, and thereby achieve many of the goals of the Small Area Plan. In fact, the streetscape will be more fully integrated into the private space through the unique "curbless" public space design which accommodates a natural evolution of uses in the Market. The Applicant will work closely with DDOT on its "curbless" streetscape proposal. Similar alternatives were presented by DDOT in its conceptual planning for 4th Street as part of its ongoing Florida Avenue Multimodal Transportation Study.

The Applicant's design for the public realm adjacent to the Project is particularly noteworthy. The public realm design will maximize the pedestrian experience at the street level, while integrating the retail space with such experience. It will uniquely engage visitors to and residents of the Market to create a public area where people want to congregate. It allows for the incorporation of both long term and short term conditions along 4th Street and permits the public space to be built out organically. That is, it will both accommodate the truck loading in certain as-yet-undeveloped portions of the public space, such as the properties across 4th Street to the east. The proposed public space design adjacent to redeveloped parcels along 4th Street can be built out in a manner that naturally continues the Project's design theme of the public realm as other properties redevelop.

The Property is also close to established bicycle routes, notably the Metropolitan Branch Trail, which connects to the NoMA-Gallaudet Metrorail Station and Union Station, the neighborhoods of NoMA and Capitol Hill, as well as Catholic University, Takoma Park and Silver Spring to the north. Anticipated bicycle usage by residents of the Project has been integrated into the design. A significant amount of secure bike storage area – to allow for approximately 142-175 bicycles – will be located on the B1 level of the garage and the Applicant will support and encourage bicycle use through its traffic demand management plan.

The Project will provide approximately 400-550 underground automobile parking spaces, which satisfies the requirements of the Zoning Regulations. Residential parking will be provided at a ratio of approximately 0.38-0.48 spaces per residential unit for a total of approximately 200 spaces and approximately 250 spaces will be provided for the retail component of the Project. The remaining spaces will be designated to serve the wider Market's parking demands.

ii. Water/Sewer Demand

The water and sanitary service usage resulting from the Project will have an inconsequential effect on the District's delivery systems. The site is currently served by all major utilities. The Project's proposed storm water management and erosion control plans will minimize impact on the adjacent properties and existing storm water systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the Project.

Further, as more specifically detailed in Section VII, no adverse environmental impact will result from the construction of this Project.

iii. Public Schools

Regarding the impact on the District of Columbia Public Schools (“**DCPS**”) system, the Project is within the boundaries of Wheatley Education Campus at 1299 Neal Street, NE; Browne Education Campus at 850 26th Street, NE; and Dunbar Senior High School at 101 N Street, NW. DCPS data shows that all of the Property’s neighborhood schools are below capacity. In addition, several other schools are in the general vicinity of the Project, offering schooling options to residents who may seek alternatives to the neighborhood public schools, including McKinley Technology High School located at 151 T Street, NE, Two Rivers Public Charter School at 1227 4th Street, NE, J.O. Wilson Elementary School at 660 K Street, NE, Holy Name at 1217 West Virginia Avenue, NE, Kendall Demonstration Elementary is located at 800 Florida Avenue, NE, and Model Secondary School for the Deaf, also at 800 Florida Avenue, NE. In addition, KIPP DC was recently awarded the Hamilton School site at 1401 Brentwood Parkway, NE.

In this neighborhood, as in the city as a whole, the population of school-age children is declining while the population of childless households is increasing. Due to these trends, the current under-enrollment of the neighborhood public schools, and the relatively convenient access to charter and private schools in the vicinity, the Applicant expects that the school network is able to accommodate the school-age children that may reside at the Project.

V. THE APPLICATION IS “NOT INCONSISTENT WITH THE COMPREHENSIVE PLAN AND WITH OTHER PUBLIC ADOPTED POLICIES [...] RELATED TO THE SUBJECT SITE.” 11 DCMR § 2403.4.

A. Comprehensive Plan

The proposed PUD is not inconsistent with the Comprehensive Plan and meets numerous goals and policies enumerated in the Comprehensive Plan for the National Capital adopted in 2006 (the “**Comprehensive Plan**”).

The purposes of the Plan are to: (a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) guide executive and legislative decisions and matters affecting the District and its citizens; (c) promote economic growth in jobs for District residents; (d) guide private and public development in order to achieve District and community goals; (e) maintain and enhance the natural and architectural assets of the District; and (f) assist in conservation, stabilization and improvement of each neighborhood and community in the District (DC Code Section 1-245(b)).

Generally, the Project advances these purposes by furthering the social and economic development of the District through the construction of new residential units on underutilized land, providing new retail offerings in a developing market where none existed previously, contributing to the creation of a destination neighborhood in the urban core, and upgrading the public space surrounding the Property.

1. Compliance with Citywide Elements

The Project serves the goals of several of the citywide elements of the Comprehensive Plan, as follows:

a. Future Land Use Map

The Future Land Use Map includes the Property in the High Density Residential Land and High Density Commercial Land Use Categories (along with Production, Distribution and Repair). Such designation supports the construction of a high-quality residential and retail project on a site that is currently underutilized. The proposed Project, with an FAR of 8.0 and a height of 110 feet, and the requested Zoning Map amendment to the C-3-C Zone District are consistent with the High Density Residential and High Density Commercial Land Use Categories for the Property.

b. Generalized Policy Map

The Generalized Policy Map (“GPM”) includes the Property in the “Multi-Neighborhood Centers” category. Under the terms of the GPM, for this category, new development is appropriate since mixed-use infill development should be encouraged to provide new retail and service uses and additional housing and job opportunities. As a mixed-use infill development with new housing and retail, the Project will be consistent with the Property’s designation on the GPM.

c. Land Use Element

The Plan devotes a great deal of attention to the preeminence of transit-oriented development and the importance of mixed-use development on large sites. The Project advances the following policies of the Land Use Element:

- **Policy LU-1.2.6: New Neighborhoods and the Urban Fabric** – On those large sites that are redeveloped as new neighborhoods, integrate new development into the fabric

- of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings. 305.11
- **Policy LU-1.3.1: Station Areas as Neighborhood Centers** – Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. 306.10
 - **Policy LU-1.3.2: Development Around Metrorail Stations** – Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 306.11
 - **Policy LU-1.3.4: Design To Encourage Transit Use** – Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots. 306.13
 - **Policy LU-1.3.6: Parking Near Metro Stations** – Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters. 306.15
 - **Policy LU-1.4.1: Infill Development** – Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. 307.4
 - **Policy LU-3.1.2: Redevelopment of Obsolete Industrial Uses** – Encourage the redevelopment of outmoded and non-productive industrial sites, such as vacant warehouses and open storage yards, with higher value production, distribution, and repair uses and other activities which support the core sectors of the District economy (federal government, hospitality, higher education, etc.). 314.7
 - **Policy LU-3.1.4: Rezoning of Industrial Areas** – Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support

industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas. 314.9

The Project will revitalize an underutilized parcel of industrial land in the center of the Market and will make it inviting to the general public through a mixed-use development incorporating residential and retail uses. The Project leverages its proximity to a Metrorail Station by promoting density on the site, and it is designed to serve and promote the pedestrian as part of the overall vision for the Market. The Project will be the quintessential infill development that will allow an underutilized site to be brought to its highest and best use with new housing close to public transportation. This Project will encourage other nearby underutilized or obsolete sites to be similarly developed. Given its location at the center of the Market, the Project will deftly promote transit oriented development near the NoMA-Gallaudet Metrorail station without encroaching upon existing residential areas.

d. Transportation Element

The proposed development is consistent the following Transportation Element policy:

- **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. 403.10

As mentioned above, the Project will be an ideal example of transit oriented development since it will make such a significant contribution of new housing and retail at a site served by mass transit. The Project will be strategically located near the Red Line's NoMA-Gallaudet Metrorail station, as well as along a major transportation and Metrobus corridor. The Property's proximity to public transportation makes it a prime location for additional density and residential and retail uses. The Project design also encourages bicycling and walking with its substantial bike storage facilities and integration into the Market's (planned) pedestrian network.

Altogether, the Project will encourage alternate modes of transportation by providing the infrastructure for walking, biking, and various modes of public transportation.

e. Urban Design Element

The Project furthers many of the policies of the Urban Design Element:

- **Policy UD-2.2.5: Creating Attractive Facades** – Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. 910.12
- **Policy UD-2.2.7: Infill Development** – Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.14
- **Policy UD-3.1.1: Improving Streetscape Design** – Improve the appearance and identity of the District’s streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street “furniture”, and adjacent building façades. 913.7
- **Policy UD-3.1.2: Management of Sidewalk Space** – Preserve the characteristically wide sidewalks of Washington’s commercial districts. Sidewalk space should be managed in a way that promotes pedestrian safety, efficiency, comfort, and provides adequate space for tree boxes. Sidewalks should enhance the visual character of streets, with landscaping and buffer planting used to reduce the impacts of vehicle traffic. 913.8
- **Policy UD-3.1.3: Streetscape Design and Street Function** – Use variations in lighting and landscaping to highlight and clarify the function of different streets. The design features of streets should make the city’s circulation system easier to navigate and understand for residents and visitors. 913.9
- **Policy UD-3.1.4: Street Lighting** – Provide street lighting that improves public safety while also contributing to neighborhood character and image. 913.10
- **Policy UD-3.1.6: Enhanced Streetwalls** – Promote a higher standard of storefront design and architectural detail along the District’s commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. 913.13
- **Policy UD-3.1.7: Improving the Street Environment** – Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. 913.14

The Project design acknowledges and embraces the importance of the site location in an emerging retail and residential destination. The building design will relate to its location in the Market and the history that accompanies the new vibrancy and commercial density of the

immediately adjacent NoMA subdistrict. The PUD design will successfully create a sense of place, while infusing the unique, existing industrial influences located on and near the site. As such, the design effectively incorporates elements of the warehouse currently on the Property along with creating a more pedestrian-focused place with inviting retail and an improved streetscape. This design result is in direct fulfillment of the Small Area Plan's goals for the Market. At the same time, the Project will be of scale, height, and density appropriate for a site in the center of an emerging regional destination for retail and services.

Further, the Project will implement enhanced streetwalls since the Applicant will celebrate and accentuate the existence of the retail on the ground floor with notably tall ceiling heights. Such approach will maximize the storefront design and architectural details at the pedestrian level, further encouraging pedestrians to interact with the Project along its entire extensive frontage. The result will be an improved and attractive street environment that will foster pedestrian activity and neighborhood vitality. The streetscape experience is paramount to the Applicant as it seeks to create the ideal retail presence. In addition, the Project will enhance the pedestrian environment by creating and improving public space walkways where they currently do not exist or are in poor condition. This improvement will create a safer and more inviting experience for pedestrians traversing the Market. It will also be the first implementation of the Small Area Plan's vision to create a truly walkable Market community. In sum, the Project will make a large, early step towards the place-making so desired by the Small Area Plan.

f. Housing Element

The PUD is consistent with the following goal and policies of the Housing Element:

- **H-1.1 Expanding Housing Supply** – Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's

fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. 503.1

- **Policy H-1.1.1: Private Sector Support** – Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2
- **Policy H-1.1.4: Mixed Use Development** – Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers and around appropriate Metrorail stations. 503.5
- **Policy H-1.2.1: Affordable Housing Production as a Civic Priority** – Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city. 504.8
- **Policy H-1.2.7: Density Bonuses for Affordable Housing** – Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. 504.14

The Project will expand the District’s housing supply in a mixed-use setting. By providing 420-520 new residential units in a neighborhood with a severe housing dearth, the Project promotes Housing Element multi-unit residential development objectives. The Project will produce housing on an underutilized commercial site and will stimulate the development of additional housing in the area. The residential building will be of a high quality design and will incorporate high quality materials. The provision of residential units at this site is significant given the Market’s history and the District of Columbia’s objective of introducing new residents to the Florida Avenue Market community.

g. Economic Development Element

The Project is consistent with the following Economic Development Element policies:

- **Policy ED-2.2.1: Expanding the Retail Sector** – Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 708.5
- **Policy ED-2.2.3: Neighborhood Shopping** – Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts

should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. 708.7

- **Policy ED-3.1.1: Neighborhood Commercial Vitality** – Promote the vitality and diversity of Washington’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 713.5
- **Policy ED-3.1.2: Targeting Commercial Revitalization** - Continue to target government economic development programs to areas of greatest need, including older business areas and commercial centers that inadequately serve surrounding areas. Focus on those areas where the critical mass needed to sustain a viable neighborhood commercial center can be achieved. 713.6

The Project will significantly expand the retail and shopping offerings in the Florida Avenue Market and will allow the District to capitalize on the retail spending of new residents, workers and visitors, particularly due to its proximity to highly traveled Florida Avenue and New York Avenue corridors. Combined with the resurgence of the Market at Union Market, the currently underserved neighborhood will be infused with quality neighborhood-serving and destination retail. This will help create the critical mass necessary to implement the District’s (and the neighborhood’s) vision for the Florida Avenue Market. It will help ensure the Market’s commercial vitality by luring new businesses to the site and encouraging new business to locate and grow nearby, thereby helping to create a virtuous cycle at the Market to embody the Comprehensive Plan’s and Small Area Plan’s goals.

h. Community Services and Facilities

The retail provided as part of the Project will fulfill many of the goals of traditional community service facilities. The retail component of the Project will provide an amenity base for the community and allow the Market to develop a critical mass to create the thriving, bustling center that community desires. In addition, the significant improvements to the public space adjacent to the Property will enhance the community’s experience and offer a safer and upgraded public setting in which the public can operate, whether it is accessing the new retail amenities or traversing the Market to reach the Metro station.

B. Upper Northeast Area Element

The PUD site is located in the Upper Northeast Area Element of the Comprehensive Plan. The Project is consistent with the following policies and action of the Area Element:

- **Policy UNE-1.1.2: Compatible Infill** – Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially-zoned properties exist. Such development should be consistent with the designations on the Future Land Use Map. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low income as well as those of moderate and higher incomes. 2408.3
- **Policy UNE-1.1.6: Neighborhood Shopping** – Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12th Street NE in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian-oriented retail activity also should be encouraged around the area’s Metro stations. 2408.7
- **Policy UNE-1.1.8: Untapped Economic Development Potential** – Recognize the significant potential of the area’s commercially and industrially-zoned lands, particularly along the New York Avenue corridor, V Street NE, and Bladensburg Road, and around the Capital City Market, to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing M and CM-1 zones are expected to remain for the foreseeable future. 2408.9
- **Policy UNE-1.2.1: Streetscape Improvements** – Improve the visual quality of streets in Upper Northeast, especially along North Capitol Street, Rhode Island Avenue, Bladensburg Road, Eastern Avenue, Michigan Avenue, Maryland Avenue, Florida Avenue, and Benning Road. Landscaping, street tree planting, street lighting, and other improvements should make these streets more attractive community gateways. 2409.1
- **Policy UNE-1.2.5: Increasing Economic Opportunity** – Create new opportunities for small, local, and minority businesses within the Planning Area, and additional community equity investment opportunities as development takes place along New York Avenue, Bladensburg Road, Benning Road, and around the Metro stations. 2409.
- **Policy UNE-2.1.2: Capital City Market** – Redevelop the Capital City Market into a regional destination that may include residential, dining, entertainment, office, hotel, and wholesale food uses. The wholesale market and the adjacent DC Farmers Market are important but undervalued amenities that should be preserved, upgraded, and more effectively marketed. 2411.6

- **Action UNE-2.1.A: Capital City Market** – Develop and implement plans for the revitalization and development of the Capital City Market into a mixed use residential and commercial destination. Redevelopment plans for the site shall be achieved through a collaborative process that involves the landowners and tenants, the project developers, the District government, and the community. 2411.9

As mentioned above, the Project will provide an ideal infill project on a site that is close to the NoMA-Gallaudet Metrorail station and near multiple Metrobus lines. By becoming one of the first large developments within the Market, the Project will greatly improve the image and aesthetics of the Market area by providing a better built environment with more all-day activity. In addition, the Project will upgrade the conditions for pedestrians along 4th Street with a greatly enhanced public space streetscape. The various improvements resulting from the Project will make the Market more enticing to further development.

Similarly, the Project advances the policies of residential infill and taking advantage of untapped economic potential. The Project will replace a centrally-located underutilized warehouse site with hundreds of residents, all-day activity, numerous retail options, and myriad visitors. Thus, it will realize the significant potential of the area's commercially and industrially-zoned lands to generate jobs, provide new shopping opportunities, and promote the vitality and economic well-being of the Upper Northeast community.

Also, the Project is in accordance with action UNE-2.1.A which aims to redevelop the Market with a mixed use residential and commercial destination. The redevelopment plan is desired to involve stakeholders including landowners, developers, the District government, and local community. The Applicant will continue to involve all such parties throughout the design and construction phases.

B. The Application Promotes the Objectives of the Florida Avenue Market Study Small Area Plan

The Small Area Plan envisions the Property as high density development – with an appropriate height of 130 feet and an appropriate density of 8.0 FAR – within the Market.² The Small Area Plan anticipates that 4th Street will be the major north-south arterial through the Market, and the Property is anticipated to be part of a vital commercial corridor with ground-floor shops emphasizing food. The design of the Project will facilitate that role, both being an early mixed-use development in the middle of the Market and by specifically enhancing 4th Street for pedestrians, along with improving conditions for vehicles.

The density and size of the Project also will be in accordance with the Small Area Plan. Specifically, page 50 of the Small Area Plan states, “The character to the west and north [in the Market] will complement the character of the new, modern-style anticipated along New York Avenue, and in the NoMa neighborhood just over the railroad tracks.” As such, those buildings have styles, heights, and densities similar – if not greater – than what is proposed for the Project.

The Project also will implement the guidelines of the Small Area Plan to construct and enhance the streetscape on 4th Street. The Small Area Plan proposes wide unique public accessways for pedestrians, ample planting beds, and medium shade trees; the Project will implement the Small Area Plan’s guidelines to the maximum extent possible.

In addition, the Small Area Plan supports the way that the Project has been designed to relate to the Market. The Small Area Plan notes the high number of pedestrians on 4th Street in addition to the expected traffic. Therefore, the introduction of additional avoidable traffic onto this street could lead to unnecessary vehicular and pedestrian conflicts and needlessly stifle the

² The Industrial Land Use Study supports this density and use change by stating, “Given its tremendous accessibility to New York Avenue, Florida Avenue, Metro Bus, and the recently-opened New York Avenue Metro (Red Line), this is an area where more intense development could produce tangible benefits for the District.” (p. 125)

pedestrian usage of 4th Street. It is with this in mind that the Applicant designed the Project so that all vehicular and truck traffic would enter the site from the rear alley and avoid pedestrian conflicts as much as possible.

VI. THE APPLICATION PROVIDES SUPERIOR PUBLIC BENEFITS AND PROJECT AMENITIES

The PUD Evaluation Standards, at 11 DCMR §§ 2403.5-2403.7, require the Commission to “evaluate the specific public benefits and project amenities of the proposed Development.”

That Section continues:

Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title. A project amenity is one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors.

Working with the District and the ANC, the Applicant is in the process of developing a comprehensive package of public benefits and project amenities.

A. Review of Project under Section 2403.9

The PUD Evaluation Standards, at Section 2403.10, provide that “a project may qualify for approval by being particularly strong in only one or a few” of the public benefits and project amenities listed in Section 2403.9, “but must be acceptable in all proffered categories and superior in many.” We submit that the Project provides superior public benefits and project amenities in these categories. The Applicant’s benefits and amenities are in the following categories:

1. Housing and affordable housing (§ 2403.9(f))

Pursuant to Section 2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. The

Project will create 420-520 new residential units in the Florida Avenue Market neighborhood, where housing is at a minimum.

As part of the approximately 368,400 gross square feet of residential use provided in the Project, approximately 29,472 gross square feet (or 8% of the residential component) will be provided as affordable housing at 80% of the Washington, DC Area Median Income. Section 2403.9(f) notes that affordable housing may be considered a public benefit to the extent it exceeds what would have been required through matter of right development under existing zoning. Since the Property is currently zoned C-M-1, the entirety of the affordable housing component should be considered a public benefit.

2. Urban design, architecture and landscaping (§ 2403.9(a))

Section 2403.9(a) lists urban design, architecture, and landscaping as categories of public benefits and project amenities for a PUD. As shown in the detailed plans, elevations, and renderings included in Exhibit A, the Project exhibits the characteristics of exemplary urban design, architecture, and landscaping. The Project provides a superior design that fully responds to the site location and history while efficiently integrating a variety of uses that will directly benefit the community.

The Project's design will create a visually interesting sense of place, incorporating elements from the Market's industrial past, while tying it to an exciting and reenergized future of new retail and residential opportunities in the Market. The building as a whole employs traditional, time-tested materials in new and modern ways in a design that is aesthetically enduring and which adds to the urban texture of the District. The multiple blocks of the residential component will break up the long frontage of the Property to provide a varied and

visually interesting experience. The design is also fully responsive to the commercial environment of the Market by providing a notable retail presence that will encourage all day activity and the importance of daily commerce. The exemplary design of the building incorporates architectural innovation appropriate for mixed-use in an exciting new neighborhood without overpowering the industry and food market that has long existed around it. With the large new ground floor retail space, this design will reinforce the character of its immediate surroundings of a lively marketplace.

The Project design utilizes the existing structure on the Property in order to infuse the industrial/commercial aesthetic into the building, particularly along the ground floor. Guided by the Small Area Plan's guidance to incorporate the existing buildings in redevelopment within the Market, the Project utilizes and celebrates the building on the Property to give the first floor its authenticity and character at great cost to the Applicant. Although the Applicant is not pursuing incentives typically related to renovation of historic structures such as historic tax credits or certain zoning allowances for non-conforming historic structures, the Applicant believes that the retention of the structure significantly contributes to the place-making desired by the Small Area Plan that will assist in the Market becoming a destination similar to the Meatpacking District in New York City or the Pearl District in Portland, Oregon.

At present, the site is bare of an attractive streetscape or sense of place. The existing warehouses operate during only limited times of day and cater almost entirely to trucks. Nighttime is nearly devoid of any activity. The site does nothing to encourage pedestrians, and the bad sidewalk conditions are unsafe. However, the Project proposes a dramatic change to the existing streetscape.

The Project will implement the Small Area Plan's elements and aspirations for improved public streetscapes along 4th Street. New improvements to the public space pedestrian accessways will replace nonexistent or broken sidewalks; trees and plantings will provide shade and soften the street edge, and benches and receptacles will create a pleasant pedestrian environment. The Applicant's streetscape beautification plan for the proposed Project will make a significant contribution to the overall appearance of the development and its appeal to residents and visitors traversing 4th Street through an innovative "curbless" streetscape design implementation. Through the use of a variety of materials, landscape, lighting elements, and furnishings, the Applicant expects to create an atmosphere that will encourage pedestrian circulation and achieve a true "place-making". The Project will animate the street by creating a permeable retail experience that connects the activity of the retailer with pedestrians on the street. Multiple outdoor seating areas for food-based users will further stimulate activity in the public realm.

Finally, extra-height retail space with glass storefronts are a project amenity benefiting shoppers, passersby, and retail tenants. Rather than trying to install another interstitial floor along this street frontage, the Applicant is proposing significant high ceilings in the ground floor retail space fronting on 4th Street. Such heights will vary from 14 feet to approximately 22 feet. The anchor tenant's space will have ceiling heights of 18-20 feet, and the retail in the center of the building will have extra height ceilings of approximately 22 feet. This feature will be a particularly unique draw to retailers and customers since it is not often found in the District due to the height limits.

The storefronts will also present an inviting exterior face to passers-by during the day and a sidewalk illumination source at night. This is particularly important on one of the Market's

main thoroughfares. This design also will provide a retail marketing asset by offering tenants the flexibility to design unique and aesthetically-appealing showcases for consumer goods.

3. Site planning, and efficient and economical land utilization (§ 2403.9(b))

Pursuant to Section 2403.9(b) of the Zoning Regulations, "Site planning, and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission.

The Project design reflects creativity and engineering to synthesize the highly-beneficial residential and retail uses at the Property, with loading facilities and approximately 400-550 underground parking spaces on a long and narrow plot of land. The Project will successfully provide loading facilities, underground parking, drive aisles, and ramps on a narrow site without compromising the large and open retail spaces as experienced from 4th Street. In addition, the innovative design will provide the dramatic 14-22 foot ceiling heights for the retail space while providing the amount of residential floor area above necessary to make the Project viable. However, the residential design will achieve the principles of transit-oriented development, as it strikes a careful balance between household density for a successful urban project and overcrowding. The building will incorporate the character of the warehouse on the site while providing open and inviting retail spaces and the residential entrance. Equally important, the Project will introduce a significant amount of community-serving or community-anchoring retail space in an area that is currently underserved.

4. Social services/facilities (§ 2403.9(g))

According to Section 2403.9(g), "social services/facilities" are deemed to be public benefits and project amenities. As mentioned above, the Project includes a substantial amount of enhancement to the public space surrounding the Property. This public space will be cultivated

and reclaimed for use by pedestrians, whether for walking or other activated street life, from the current disorganized truck and other vehicle traffic and parking patterns.

5. Environmental benefits (§ 2403.9(h))

According to Section 2403.9(h), "environmental benefits such as [...] stormwater runoff controls in excess of those required by the Stormwater Management Regulations; use of natural design techniques that store, infiltrate, evaporate, treat and detain runoff in close proximity to where the runoff is generated, and preservation of open space or trees" are deemed to be public benefits and project amenities. The Project will be designed to achieve the equivalent a LEED certified rating.

In addition, the Project will incorporate extensive sustainable features. They include large areas of both intensive and extensive green roof, water efficiency measures such as low-flow plumbing fixtures, a highly efficient residential mechanical system, and low-emitting finishes for a healthier interior environment.

6. Uses of special value to the neighborhood or the District of Columbia as a whole (§ 2403.9(i))

According to Section 2403.9(i), "uses of special value to the neighborhood or the District of Columbia as a whole" are deemed to be public benefits and project amenities. The addition of approximately 420 to 520 new households will result in the generation of significant additional tax revenues in the form of property, income, sales, use, and employment taxes for the District. In addition, these new residents will have an interest in a long-neglected neighborhood, and they will add neighborhood activity from dawn till night, where little currently occurs.

The provision of 14 to 22 foot clear ground floor retail space on 4th Street will also be a use of special place-making value to the Market area by creating new, high-quality shopping and dining opportunities. The retail space in total will drive a significant amount of income and sales

taxes for the District and will create new retail jobs. The retail space will allow the District to reverse the retail leakage that has afflicted it for decades and, in fact, will create a retail migration that will allow the District to capture retail spending from neighboring jurisdictions.

The extent of the proposed investment at the Property will catalyze development in the Market. The retail and residential uses will combine to bring both daytime and evening users into the Market that will allow it to reach a critical mass and become self-sustaining. Said another way, the investment at the Property through the Project will trigger similar investments on nearby parcels in the Market, in achievement of the Small Area Plan's vision.

7. Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts (§ 2403.9(c))

The Zoning Regulations, pursuant to Section 2403.9(c), state that "effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impact" can be considered public benefits and project amenities of a project.

As previously described above, the Project is appropriately located within 1/3 mile of a Metrorail Station and will provide potential new riders for the Metrorail system at this location. Also, its proximity to Metrobus, Downtown, and the Central Employment Area (including NoMA) will help to reduce dependence on the private personal vehicles and allow residents to experience a live/work urban environment. Residents in the Project will be able to use public transit to and from work, and then they will be able to shop and dine near home.

Furthermore, as will be articulated in the full traffic report to be submitted with the pre-hearing statement, the Project will incorporate a traffic management plan in and around the PUD

site to properly manage the traffic flow in the area. The traffic management plan will include such features as car sharing benefits and significant, easily accessible bicycle storage.

The proposed Project will provide a below-grade parking garage with approximately 400-550 parking spaces. This vehicular entrance and exit as well as the loading for the building will be accessed from the alley at the west side of the Property. This important location for vehicle access will allow for an uninterrupted 4th Street pedestrian right-of-way in front of the Property. Accordingly, this removal of vehicular traffic will minimize vehicle-pedestrian conflicts since these vehicular entry points also will be well-removed from all pedestrian access points to the on 4th Street. Further, locating the loading dock off the alley removes truck sidewalk crossings and maneuvering from 4th Street. Similarly, by locating the parking entrance far away from 4th Street, the impact of turning or queuing will be mitigated because it will be limited to the alley's access point from Morse Street.

8. Employment and training opportunities (§ 2403.9(e))

According to Section 2403.9(e), "employment and training opportunities" are representative public benefits and project amenities. The Project will create several types of job opportunities. During its construction phase, the Project will provide jobs primarily in the construction and related fields. Once operational, the Project will provide jobs both for the management of the residential building, but more importantly for the entirety of the retail use. The retail use of 39,600 gross square feet of retail use would require a significant work force to operate.

9. Comprehensive Plan (§ 2403.9(j))

According to Section 2403.9(j), public benefits and project amenities include "other ways in which the proposed planned unit development substantially advances the major themes and

other policies and objectives of any of the elements of the Comprehensive Plan." As described in greater detail in Section V, the Project is consistent with and furthers many elements and goals of the Comprehensive Plan, specifically the Florida Avenue Market Small Area Plan.

B. Public Benefits of the Project

Section 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. The Applicant has addressed this issue in the text of the statement, particularly Section VI above. It is only as a result of the additional density provided through the PUD process that the Applicant is able to construct such a well-designed project.

VII. ENVIRONMENTAL ANALYSIS FOR SECOND STAGE APPLICATION

A. Water Demand

The Project will contain approximately 408,000 square feet of development, and the average daily demand for water is estimated to be approximately 78,434 gallons per day. This demand can be met by the existing District water system. The proposed connection for fire water supply will be made within the existing distribution system and will be coordinated with DC Water.

B. Sanitary Sewer Demand

The average daily demand on the sanitary sewer system for the Project is estimated to be approximately 62,747 gallons per day. The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with DC Water.

C. Stormwater Management

The Project will accommodate its storm water run-off with a stormwater management system in compliance with standards set by the District Department of the Environment. The

proposed systems will be designed, constructed, and maintained in accordance with standards set by the District Department of the Environment.

D. Solid Waste Services

Solid waste will be collected by the District of Columbia from covered receptacles for appropriate disposal.

E. Electrical Service

Electricity for the Project will be provided by the Potomac Electric Power Company in accordance with its general terms and conditions of service. All electrical systems will be designed to comply with the District of Columbia Energy Code.

F. Energy Consumption

The Project will be constructed in full compliance with Article 24 (Energy Conservation) of the District of Columbia Building Code. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution and lighting systems contained in the buildings. Indeed, the Applicant is incorporating a highly efficient residential mechanical system.

G. Erosion Control

During excavation and construction, erosion on the project site will be controlled in accordance with District of Columbia law.

VIII. COMMUNITY OUTREACH

The development team has engaged in discussions about the Project with many community stakeholders. The Applicant has met with the ANC 5D01 Single Member District representative and obtained a letter of support for setdown. The Applicant and development team will return to the full ANC for a presentation prior to the setdown meeting on this Application and will continue to meet with the ANC thereafter and throughout the course of the

Project. In addition, the Applicant will meet with other community groups such as the Trinidad Neighborhood Association to ensure inclusion in this process.

As discussed above, the Project's mixed-use development is consistent with objectives and policies that the Comprehensive Plan identifies for this part of the District of Columbia.

IX. CONCLUSION

The Applicant submits that the Project complies with the requirements of Chapter 24 and related provisions of the Zoning Regulations applicable to Zoning Commission review and approval of Consolidated PUD and Related Map Amendment applications; complies with the 1910 Height of Buildings; is consistent with the Comprehensive Plan, Florida Avenue Market Small Area Plan and other adopted public policies and active programs related to the subject site; will provide significant public benefits that would not be provided by matter-of-right development; and will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia.

For the foregoing reasons, the Applicant submits that the Consolidated PUD and related Map Amendment application should be set down for a hearing by the Zoning Commission at its earliest convenience.

Respectfully submitted,

By: Maureen Dwyer
Maureen Dwyer

By: Jeffrey Utz
Jeffrey Utz