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The Honorable Adnan M Fenty

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The Honorable Vincent C Gray

Executive Director
Marcel C Acosta

IN REPLY REFER TO
NCPC File No Z C 06 01B

JAN 12 2010

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D C 20001

Members of the Commission

Pursuant to delegations of authority adopted by the Commission on, August 6, 1999, I found that the proposed modification to a previously approved Consolidated Planned Unit Development and related map amendment to rezone a portion of Square 776, Lot 54 from C-2-A- to C-2-B, would not be inconsistent with the Comprehensive Plan, nor would it adversely affect any other identified federal interests A copy of the Delegated Action of the Executive Director is enclosed

Sincerely



Marcel C Acosta
Executive Director

Enclosure

cc Harriet Tregoning, Director, D C Office of Planning
Anthony Hood, Chairman, Zoning Commission

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D C OFFICE OF ZONING
2010 JAN 15 PM 12 56

ZONING COMMISSION
District of Columbia
CASE NO 06-01B
EXHIBIT NO 34
ZONING COMMISSION
District of Columbia
CASE NO. 06-01B
EXHIBIT NO. 34
EXHIBIT NO. 34

**MODIFICATION TO PLANNED UNIT DEVELOPMENT AND RELATED MAP
AMENDMENT ON SQUARE 776, LOT 54**

300 H Street, NE
Washington, DC

Referred by the Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

DEC 30 2009

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U S C §8724(a), and DC Code §2-1006(a), I find that the proposed modification to a previously approved Consolidated Planned Unit Development (PUD), and related map amendment to rezone a portion of the subject property from C-2-A to C-2-B, would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to approve a modification to a previously approved Consolidated Planned Unit Development (PUD) and related map amendment in Square 776, Lot 54, also known as 300 H Street NE¹ Square 774 is located in Ward 6 of the District of Columbia and is bounded by I, H, 4th, and 3rd Streets, NE. The subject property encompasses approximately 60,870 square feet, is currently zoned C-2-B, and is within the H Street, NE Neighborhood Commercial Overlay District.² Aside from the subject property, the remainder of Square 774 is developed with rowhouse dwellings. To the west, across 3rd Street, is the new Senate Square development, formerly the site of the Capital Children's museum.³ The areas to the east and south are characterized by commercial buildings fronting on H Street with rowhouse dwellings behind.

¹ At its November 2006 meeting, NCPC reviewed and approved ZC 06 01. The Zoning Commission then granted final approval to ZC 06 01 on December 11, 2006. Since then, the developer has completed the closure of alleys that formerly passed through the subject property and subdivided the property into a single record lot. NCPC reviewed and approved the alley closures at its September 2006 meeting (File No. 6692).

² The text amendment to rezone a portion of the subject property from C 2 A to C 2 B was part of the approval of ZC 06 01, and remains part of the requested PUD modification.

³ At its March 2005 and January 2007 meetings, NCPC reviewed and approved ZC 04 22 and ZC 04 22A Consolidated PUD and related text amendment and subsequent modification thereto for the Senate Square development.



Site plan of modified PUD

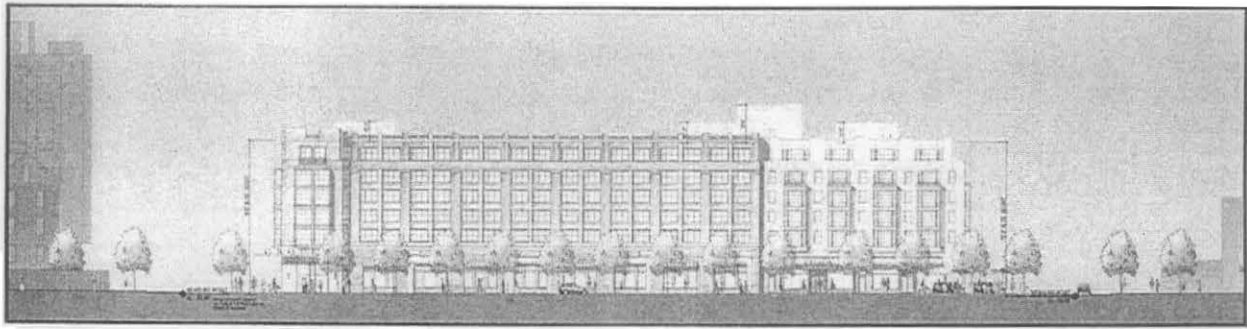
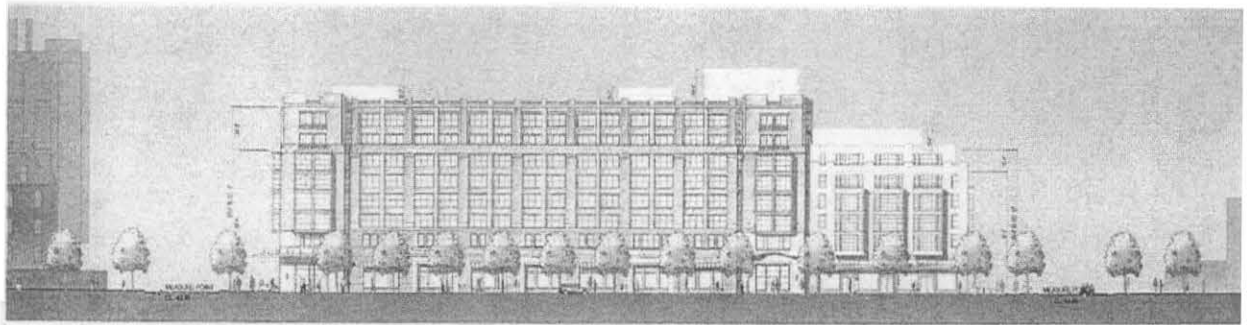
The previously approved PUD included an eight-story, mixed-use development consisting of a 41,000 square foot (SF) grocery store, 6,900 SF of additional ground-floor retail, 210-250 residential units on seven floors, and 399 parking spaces located entirely below-grade. The project contained a total floor area ratio (FAR) of 4.8.

The modified PUD continues to propose a mixed-use building with residential and ground-floor retail, including a grocery store. Specifically, the

modifications include reductions to the height of the building, FAR, number of residential dwelling units, and total number of parking spaces. The developer proposes to eliminate the top two floors of the proposed building thereby reducing the total number of residential dwelling units from 228 to 212. As a result, this will reduce the building height from 8-stories to 6-stories (90-feet to 75-feet), and the total FAR of the project from 4.8 to 4.2. Finally, the developer proposes to reduce the number of parking spaces provided from 399 to 270.

The federal interests associated with the proposed PUD modification and related map amendment include compliance with the 1910 Height of Buildings Act ("the Act") and the viewshed along the H Street, NE right-of-way, an historic L'Enfant street. Based on the widths of the streets surrounding the subject property, the Act permits any building constructed on the subject property to reach a maximum height of 110 feet. The Act also requires penthouses and other roof structures constructed above the maximum height to be setback from all exterior walls a distance equal to their height above the adjacent roof.

The proposed 6-story, mixed-use building associated with this modified PUD falls well below the maximum height allowed by the Act. The building being proposed will not exceed 75 feet in height. Furthermore, the combined height of the proposed building and its associated roof structures also does not exceed the maximum building height allowed under the Act. Though the proposed roof structures will vary in height, none of them will exceed an individual height of 18 feet 6 inches, and a combined height of 93 feet 6 inches. As such, the penthouses and other roof structures that are part of this modified PUD need not be set back for purposes of complying with the Act.

North Elevation (H Street NE) – **CURRENT DESIGN**North Elevation (H Street NE) – **APPROVED PUD**

The Preservation and Historic Features Element of the Comprehensive Plan for the Nation's Capital includes policies that seek to protect the visual and functional qualities of L'Enfant rights-of-way, which contribute significantly to the city's system of open space and form the urban design framework of the nation's capital. The project is located along one such right-of-way. The proposed modifications to the PUD will not result in any intrusions, including balconies and projecting bays, into the H Street, NE street right-of-way, or its corresponding viewshed. On the contrary, the development of the subject property will reinforce the spatial definition of this historic L'Enfant street by replacing a vacant property with a lively, mixed-use building constructed to the edge of the street right-of-way, but not beyond.

Therefore, I find that the proposed modification to a previously approved Consolidated Planned Unit Development (PUD), and related map amendment to rezone a portion of the subject property from C-2-A to C-2-B, would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.

Marcel C. Acosta
Executive Director