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The Honorable Vincent C. Gray

**Acting Executive Director**

Marcel C. Acosta

IN REPLY REFER TO:  
NCPC File No. Z.C. 07-07

NOV 08 2007

Zoning Commission for the  
District of Columbia  
2<sup>nd</sup> Floor, Suite 210 South  
441 4<sup>th</sup> Street, NW  
Washington, D.C. 20001

**Members of the Commission:**

The National Capital Planning Commission, at its meeting on November 1, 2007, approved the enclosed action on the Consolidated Planned Unit Development and a related zoning map amendment for Broadcast One at 7<sup>th</sup>, S & T Streets, NW, Square 441, Lots 21, 66, 97, 814, 815 and 854 at the Shaw Metro Station. Please note that the proposed land use on Lot 854 does not conform to the existing Shaw School Urban Renewal Plan. Also enclosed, for your information, is a copy of the Staff Recommendation for the project.

Sincerely,

Marcel C. Acosta  
Acting Executive Director

Enclosures

ZONING COMMISSION  
DISTRICT OF COLUMBIA  
ZONING COMMISSION  
District of Columbia

CASE NO. 07-07  
EXHIBIT NO. 43

# COMMISSION ACTION

NCPC File No. Z.C. 07-07



**CONSOLIDATED PLANNED UNIT DEVELOPMENT  
AND RELATED MAP AMENDMENT FOR "BROADCAST ONE" AT 7<sup>TH</sup>, S & T  
STREETS, NW, SQUARE 441, LOTS 21, 66, 97, 814, 815 AND 854,  
AT THE SHAW METRO STATION  
Washington, D.C.**

Report to the Zoning Commission of the District of Columbia

November 1, 2007

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***Commission Action Requested by Applicant***

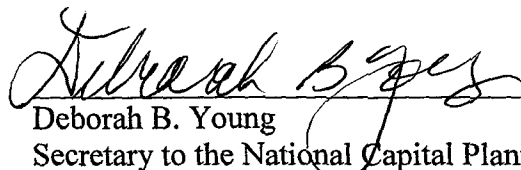
Approval of comments to the District of Columbia Zoning Commission pursuant to Section 8 of the National Capital Planning Act (40 U.S.C. §8724(a)) and D.C. Code 2-1006(a).

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***Commission Action***

The Commission:

- **Notes** that proposed land use on lot 854 does not conform to the existing Shaw School Urban Renewal Plan (URP). NCPC adopted a modification to the URP for this lot in May 2005, but this zoning action requires a further modification, and authority to amend it under D.C. Code 6-301.11 has been repealed by the City Council. The URP modification is required in order for the project to be developed.
- **Otherwise concludes** that the proposal is not inconsistent with the Comprehensive Plan for the National Capital and would not have any adverse effects on other federal interests.

  
Deborah B. Young  
Secretary to the National Capital Planning Commission

# STAFF RECOMMENDATION

NCPC File No. Z.C. 07- 07



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**CONSOLIDATED PLANNED UNIT DEVELOPMENT  
AND RELATED MAP AMENDMENT FOR "BROADCAST ONE" AT 7<sup>TH</sup>, S & T  
STREETS, NW, SQUARE 441, LOTS 21, 66, 97, 814, 815 AND 854,  
AT THE SHAW METRO STATION  
Washington, D.C.**

Report to the Zoning Commission of the District of Columbia

October 25, 2007

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## **Abstract**

The Zoning Commission of the District of Columbia has taken a proposed action to approve a Consolidated Planned Unit Development (PUD) and a related zoning map amendment from ARTS/C-2-B to ARTS/C-2-C for a 51,062 square foot (SF) property including the entire east side of 7<sup>th</sup> Street NW between S and T Streets. The north portion of the site lies within the Greater U Street Historic District and adjacent to two landmark theaters. The mixed-use development would include ground floor retail and underground parking. The southern-most lot in the square, lot 854, containing 30,989 SF, surrounds the northern entrance to the Shaw-Howard University Metro Station Metro rail station entrance and is a parcel for disposition in the Shaw School Urban Renewal Plan (URP). The project is not consistent with the Shaw Urban Renewal Plan.

## **Federal Interests**

The identified federal interests in this case are the Height of Buildings Act of 1910, the Greater U Street Historic District and the two landmark theater buildings, the Shaw School Urban Renewal Plan, and the Shaw-Howard University Metrorail station, and original L'Enfant streets.

## **Commission Action Requested by Applicant**

Approval of comments to the District of Columbia Zoning Commission pursuant to Section 8 of the National Capital Planning Act (40 U.S.C. §8724(a)) and D.C. Code 2-1006(a).

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## **Executive Director's Recommendation**

The Commission:

- **Notes** that proposed land use on lot 854 does not conform to the existing Shaw School Urban Renewal Plan (URP). NCPC adopted a modification to the URP for this lot in May 2005, but

this zoning action requires a further modification, and authority to amend it under D.C. Code 6-301.11 has been repealed by the City Council. The URP modification is required in order for the project to be developed.

- **Otherwise concludes** that the proposal is not inconsistent with the Comprehensive Plan for the National Capital and would not have any adverse effects on other federal interests.

\* \* \*

## PROJECT DESCRIPTION

### Background

Identified as a parcel for disposition in the Shaw School URP, Lot 854 was the subject of an amendment to the URP allowing for mixed uses and increased density, generated as a result of planning studies completed by the DC Office of Planning (DCOP), including the DUKE Plan (Development Framework for a Cultural Destination District within DC's Greater Shaw/U Street) in March 2005. The RLARC amendment proposed to modify land use consistent with the recommendations made in the DUKE Plan, including a map amendment). The DUKE Plan suggested mixed-use development under ARTS/C-2-B and supported the redevelopment of the Howard Theatre. With a PUD, the URP would allow a building cornice line of 65 feet, rising to 90 feet with a one-to-one setback from cornice, optimizing density with a target FAR of 6.0. In May 2005, the Commission adopted a resolution modifying the Urban Renewal Plan for the Shaw School Urban Renewal Area.

Since 2005, the applicant has consulted with DC Historic Preservation Review Board (HPRB) staff on the design for the northern portion of the site and to preserve and incorporate ten existing small-scale commercial historic buildings. DCOP's report notes that the HPRB reviewed and granted "conceptual approval" to the design on October 28, 2006, and that "approval of the design by HPRB resulted in the location of the roof structures as far to the rear of the property as possible, away from the street frontage and historic buildings." The resulting roof structures do not meet the required setback from the rear alley and thus the applicant has requested relief. The October 28, 2006 report directed the applicants "to study how the height and mass of the buildings could be minimized through changes in the design." Further, the Historic Preservation Office (HPO) recommended that the Review Board approve the progress that had been made to date, but that the project be studied and modified further, and that a preservation architect be retained to consult on the rehabilitation of the historic buildings. As demonstrated in subsequent HPRB reports, a preservation architect was retained, and on January 18, 2007, the HPO recommended that the Board approve the revised design – "the height, mass, location of the [apartment building's] projecting bays, and general architectural treatment – as.....sufficiently developed for filing for review by the Zoning Commission".



Project Vicinity

### Proposal

The Zoning Commission of the District of Columbia has taken a proposed action to approve a Consolidated Planned Unit Development (PUD) on a 51,062 square foot (SF) property including the entire east side of 7<sup>th</sup> Street NW between S and T Streets. The north portion of the site lies within the Greater U Street Historic District. The Howard Theatre, directly east across the alley, and the Dunbar Theater (to the north) are both individual landmarks, while the historic Wonderbread Building is also east of the alley. The mixed-use development would include ground floor retail and underground parking. The southern-most lot in the square, lot 854, containing 30,989 SF, surrounds the northern entrance to the Shaw-Howard University Metro Station Metro rail station entrance and is a parcel for disposition in the Shaw School Urban Renewal Plan (URP).



The applicant, Broadcast Center Partners, LLC, proposes to construct a mixed-use development with a 9-story brick masonry residential structure (192,511 SF with 180 apartments) on the northern portion of the site and a seven-story glass and steel office structure (103,083 SF) to the south. Although residential and office roof lines are shown as level below the parapet, because they are measured from different elevations at grade, their heights vary: 90 feet for the residential portion measured from T Street, 96.5 feet for the office space measured from S Street, (both at top of roof below the parapet), a tower rising to 105 feet on 7<sup>th</sup> Street, and an architecturally-embellished cornice rising to 111' measured from S Street for the office. Existing historic structures will be incorporated into the northern portion of the building and contain ground floor retail uses. There would be 2 levels of underground parking with 177 spaces, of which 29 would be tandem. Parking and loading would be accessed through the eastern alley. Overall development would have an FAR of 6.3, of which 2.5 would be non-residential, with 88% lot occupancy. The applicant has requested a related zoning map amendment from ARTS/C-2-B to ARTS.C-2-C, allowing an FAR of 6.0, with 2.5 not residential.



Rendered View of 7<sup>th</sup> and T Streets, NW

## CONSULTATION

### Advisory Neighborhood Commissions

The Zoning Commission received a letter from Advisory Neighborhood Commission (ANC) 1B dated June 14, 2007, in support of the subject proposal.

### D.C. Office of Planning

The DCOP's Final Report dated September 10, 2007 recommends approval of the application.

### D.C. Department of Transportation

In a letter dated September 12, 2007, the DDOT made no objection to the project based on its review of the materials, including a Traffic Impact Study for Broadcast Center One revised June

2007, provided the applicant continues to coordinate with DDOT staff, and submitted the following summary to describe traffic operations:

The public alley to the east of the site will also provide access to trucks for loading as well as to cars for parking. The design of the parking garage has one point of entry and exit from the alley behind the building. The applicant proposes that the alley operate with two-way traffic south of the garage entrance and one-way northbound traffic north of the entrance.

The existing sidewalks and public space for all of the adjacent streets will be enhanced by the project. A sidewalk plaza area between the office portion of the project and Metrorail entrance will be established and streetscape improvements on 7<sup>th</sup> Street, NW, will be consistent with the Design Guidelines of the Georgia Avenue Greet Street Plan. The public alley will be reconstructed and resurfaced with scored concrete and will include a tamped brick pattern placed within the property line.

#### D.C. Historic Preservation Review Board

As documented in the HPRB Staff Reports and Recommendations, the general scope of preservation work retains and restores the main blocks of the ten buildings in the Greater U Street Historic District that are on the project site. NCPC staff believes that the consultation and collaboration between the HPRB staff and the applicant have resulted in an appropriate level of rehabilitation and adaptive reuse of the existing buildings, and that the project will support the redevelopment and reuse of the adjacent Howard Theatre. However, the applicants should continue to coordinate with the HPO as the treatment of the apartment building skin and detailing progresses.

#### Analysis of Federal Interests

The identified federal interests in this case are the Height of Buildings Act of 1910, the Greater U Street Historic District and the two landmark theater buildings, and the Shaw School URP, in addition to the Shaw-Howard University Metrorail station north entrance, L'Enfant street rights-of-way, and the public alley to the east.

Based on building height analysis, staff has determined that by using a separate measuring point on 7<sup>th</sup> Street for each building, the embellished cornice would measure no more than the 110-foot height allowable for S and T Streets. Although 7<sup>th</sup> Street has an 85' ROW, allowing a height of only 105', the Act stipulates that the height of a building on a corner lot will be determined by the width of the wider street. If a measuring point is taken from "the middle of the front that will permit the greater height" for each of the two buildings, residential and office, on 7<sup>th</sup> Street, than proposed heights would be within the allowable limit of 110 feet, based on rights of way along S and T Streets. Although the square to the west across 7<sup>th</sup> Street is zoned R-4, the OP report notes that the DUKE Plan contemplates a change in the zoning to be consistent with the remainder of the area. Such a change would support designation of the 7<sup>th</sup> Street frontage as a commercial street.

The Broadcast One proposal appears to support the general principles of increasing density to ARTS/C-2-B in a proposed 2005 amendment to the Shaw School URP Land Use Provision, had it been approved, but in fact, would increase density even further to ARTS/C-2-C. **However, proposed land use on lot 854 does not conform to the existing Shaw School Urban Renewal Plan (URP).** NCPC supports the increase in density, consistent with the Comprehensive Plan, and would support further amending the URP, but authority to amend it under D.C. Code 6-301.11 has been repealed. Further, while portions of the project appear to meet the URP-inspired building setback (one to one from the height of a 65-foot cornice up to 90 feet), others do not.

The District of Columbia City Council's repeal of D.C. Code 6-301.11 left a key gap by not substituting a new procedure for the one(s) it repealed. This gap came to light when the NCRC requested, by letter to City Council Chair Linda Cropp dated June 21, 2005, that the City Council approve a resolution of May 5, 2005 from the NCPC adopting a modification to the urban renewal plan for the Shaw School Urban Renewal Area to delete certain lots and modifying use descriptions for other lots. NCPC sought approval from the City Council under authority of Section 6(b) and Section 12 of the Redevelopment Act. On reviewing the submission, the City Council staff determined that authority recited in the resolution for action by the City Council had indeed been repealed.

While the 2005 amendment would have modified land use from high density residential to mixed-use development for the site under ARTS/C-2-B consistent with the DUKE Plan recommendations (and with current zoning), it also acknowledged the major challenges on the site as building capacity, density and use. Although the applicant's current proposed zoning map amendment to ARTS/C-2-C would allow a still higher density for mixed use development than the URP intended, it would provide a significant amount of affordable units as suggested by the URP. In addition, while portions of the project appear to meet the URP required building setback (one to one from the height of a 65-foot cornice up to 90 feet) others do not. For the portion of the project located on lot 854 within the URP, the office building to the south appears to meet the requirement. However, the 105-foot tower on 7<sup>th</sup> Street would not meet this UPR requirement for setback.

The 2006 Comprehensive Plan Generalized Land Use Map recommends the subject site for a mix of medium density residential and commercial uses. Staff believes that the project would have a positive effect on the metro rail station and entrance, which would be incorporated in the project's ground floor plaza. It would provide the opportunity to bring the headquarters of a signature communications company back into the District while at the same time redeveloping a significantly underused parcel on top of a metro station. Since mixed use development would further transit-oriented development policies in the Comprehensive Plan as well as the DUKE Plan, staff believes that the proposal would not have an adverse impact on this federal interest, and finds the proposal acceptable.