



2009 SEP 16 PM 12:22
OFFICE OF THE SECRETARY
OF DEFENSE

Commission Members

Presidential Appointees

John V. Cogbill, III, Chairman
Herbert F. Ames
John M. Hart

Mayoral Appointees

Arrington Dixon
Stacie S. Turner

Ex Officio Members

Secretary of Defense
The Honorable Robert M. Gates

Secretary of the Interior
The Honorable Ken Salazar

Acting Administrator
General Services Administration
The Honorable Paul F. Prouty

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Joseph I. Lieberman

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Edolphus Towns

Mayor
District of Columbia
The Honorable Adrian M. Fenty

Chairman
Council of the District of Columbia
The Honorable Vincent C. Gray

Executive Director
Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 08-21

SEP 09 2009

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

Members of the Commission:

The National Capital Planning Commission, at its meeting on September 3, 2009, approved the enclosed action on the Consolidated Planned Unit Development for the construction of 34 rowhouses and a related map amendment at 4460 MacArthur Boulevard, NW. The Staff Recommendation for the project is also enclosed.

Sincerely,

Marcel Acosta
Executive Director

Enclosures

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

ZONING COMMISSION
District of Columbia

CASE NO. 08-21
EXHIBIT NO. 105

COMMISSION ACTION

NCPC File No. Z.C. 08-21



**CONSOLIDATED PLANNED UNIT DEVELOPMENT AND
RELATED MAP AMENDMENT
SQUARE 1356, LOTS 28, 929, 932, AND 933**

4460 MacArthur Boulevard, NW
Washington, D.C.

Referred by the Zoning Commission of the District of Columbia

September 3, 2009

Commission Action Requested

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Commission Action

The Commission:

Advises the Zoning Commission of the District of Columbia that the proposed Consolidated Planned Unit Development for the construction of 34 rowhouses and a related map amendment to change the zoning from R-1-B to R-5-A at 4460 MacArthur Boulevard, NW in Washington, D.C. would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests.

A handwritten signature in cursive script, reading 'Deborah B. Young'.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. ZC 08-21



CONSOLIDATED PLANNED UNIT DEVELOPMENT AND RELATED MAP AMENDMENT SQUARE 1356, LOTS 28, 929, 932, and 933

4460 MacArthur Boulevard, NW
Washington, D.C.

Referred by the Zoning Commission of the District of Columbia

August 27, 2009

Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to approve a Consolidated Planned Unit Development for the construction of 34 rowhouses and a related map amendment to change the zoning from R-1-B to R-5-A at 4460 MacArthur Boulevard, NW in Washington, D.C.

Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Executive Director's Recommendation

The Commission:

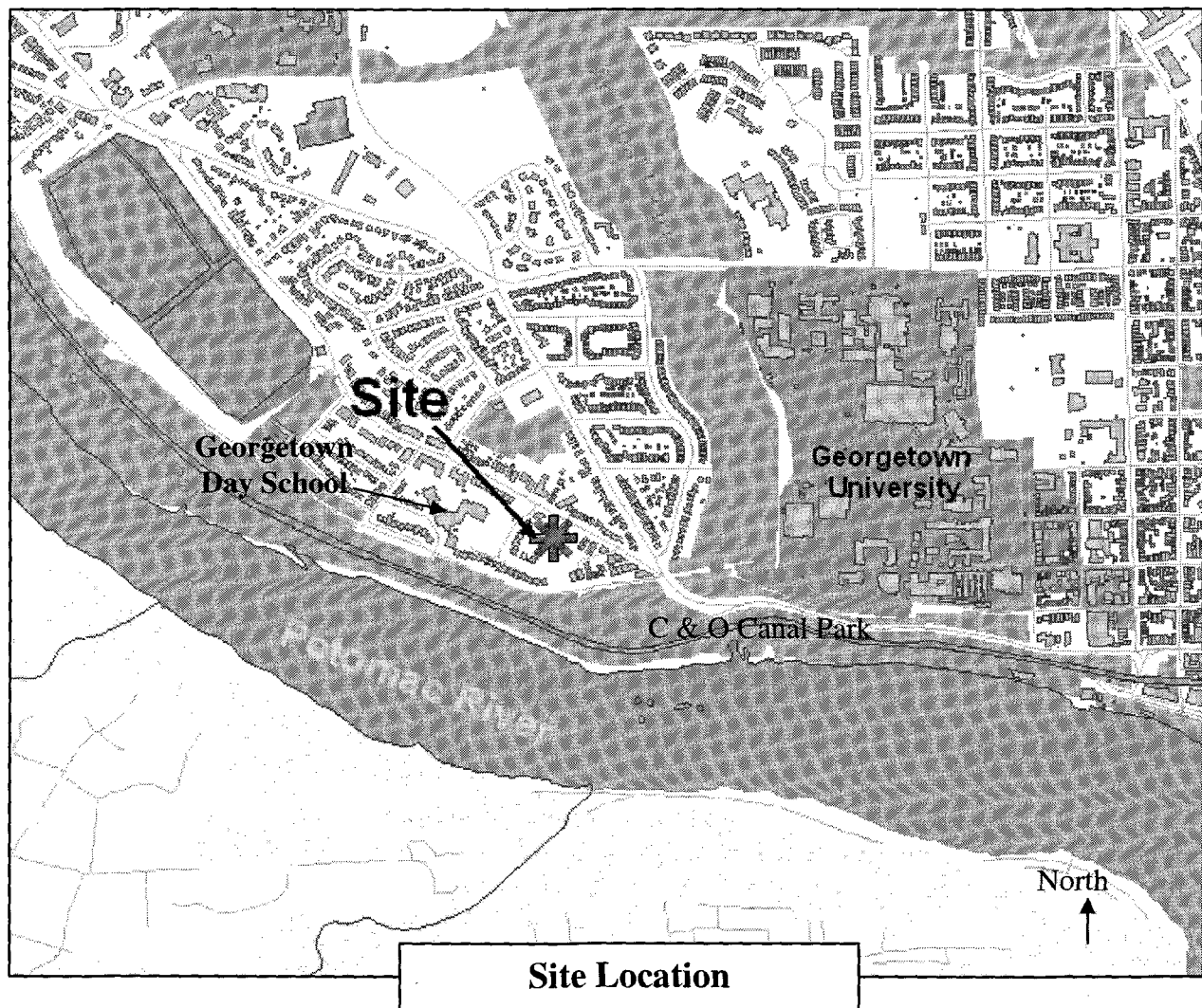
Advises the Zoning Commission of the District of Columbia that the proposed Consolidated Planned Unit Development for the construction of 34 rowhouses and a related map amendment to change the zoning from R-1-B to R-5-A at 4460 MacArthur Boulevard, NW in Washington, D.C. would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests.

* * *

PROJECT DESCRIPTION

Site

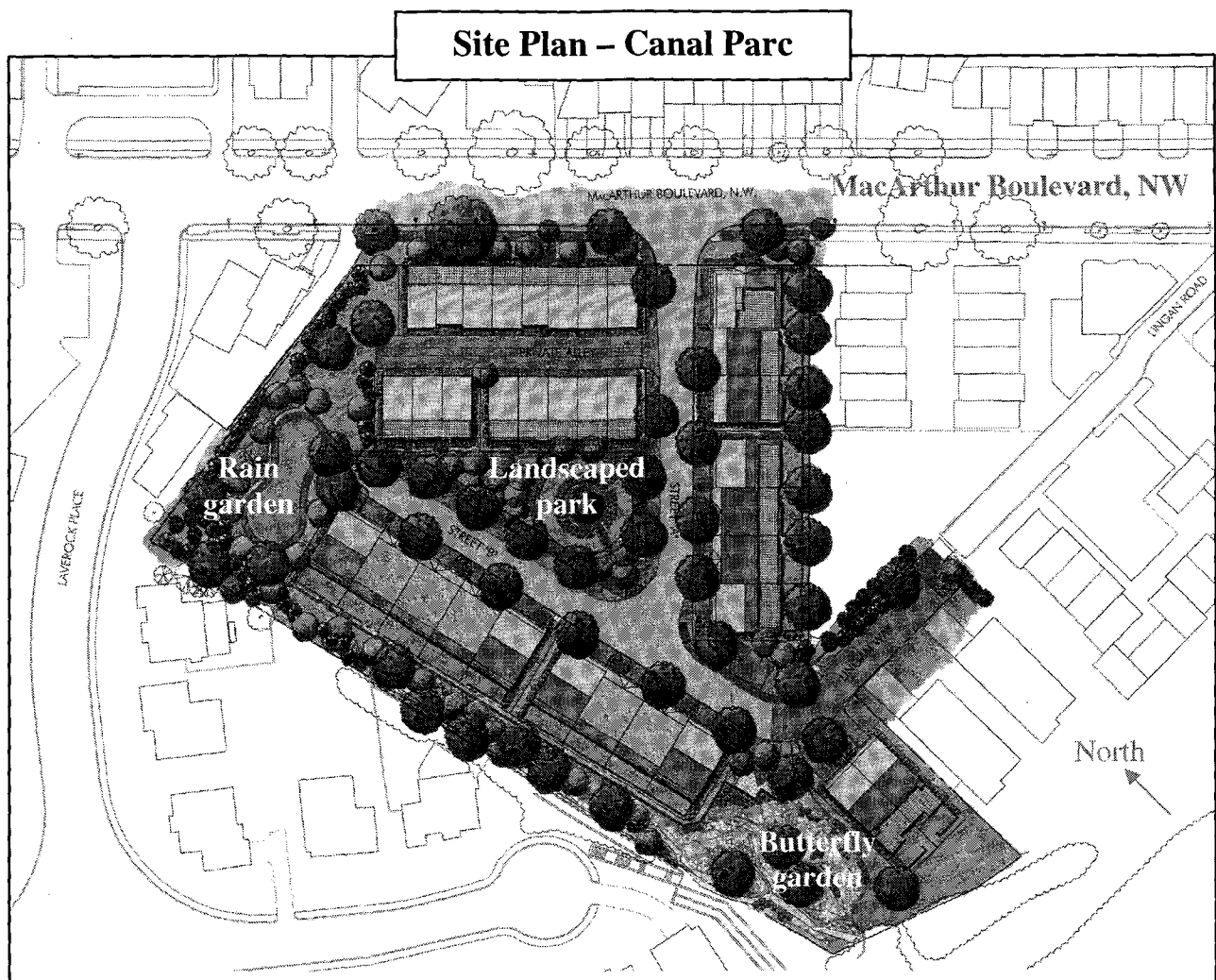
The proposed PUD is located in Northwest, Washington, D.C. and fronts on MacArthur Boulevard. This three acre site slopes significantly from MacArthur Boulevard down to a small unnamed stream which is located along the western border of this development and eventually drains into the Potomac River. Riverside Hospital, an abandoned building, is currently the only structure located on this site. This existing structure will be demolished prior to construction of the new development. West and south of the site are single family homes while east of the site are townhouses. Also in close proximity of this site is the Georgetown Day School to the west. This site abuts the Chesapeake and Ohio Canal Park on its southern border.

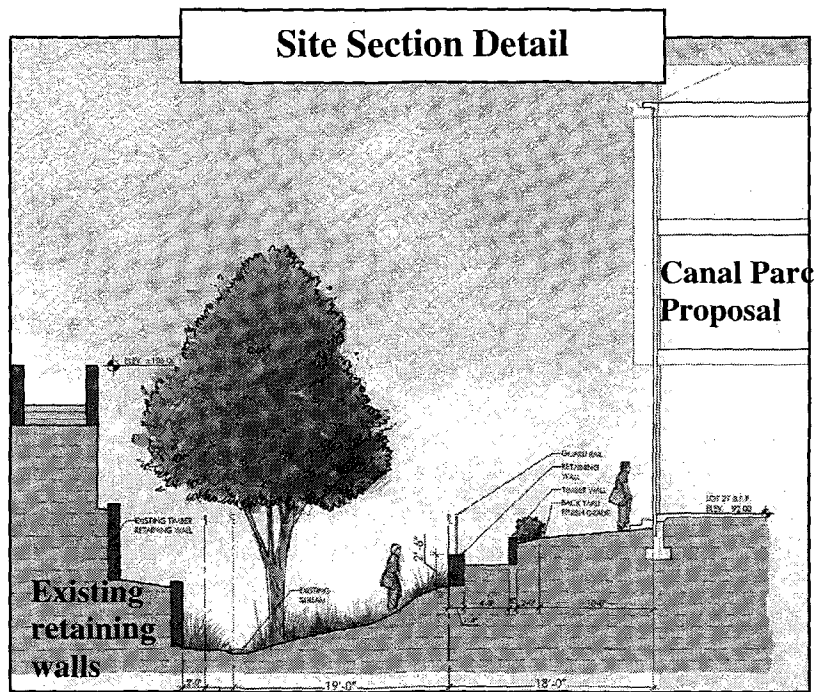


Proposal

The Zoning Commission of the District of Columbia proposes to approve Canal Parc, a PUD to construct 34 rowhouses on a three acre site in northwest Washington. This proposal includes three types of rowhouses that range in height from 35 feet to 49 feet. Several private roads are proposed to access these rowhouses. . These private roads intersect with Lingan Way which is aligned with, but does not connect to Lingan Road. Neighbors on Lingan Road have requested that this road not be connected for fear that it would become a secondary entrance to the Canal Parc development. Parking for the rowhouses would be in private garages under each house.

The proposal also includes a small, landscaped park area in the center of the development, a rain garden on the northwestern portion of the site and a butterfly garden on the southwestern side of the property in conjunction with an existing wetland area. This unnamed stream on the western boundary enters the site from one culvert and exits the site through a second culvert and continues under Canal Road and into C & O Canal. The second culvert is located just south of the butterfly garden included in this development.





This drawing is a detail of a section through the western portion of the site showing the proximity of the proposed development to the stream. At this location, the stream is 19 feet from the nearest retaining wall, which itself is 18 feet from the building wall. The unnamed stream, at its closest, is nine feet from the wall being proposed in this project. No walls will be constructed in delineated wetland areas.

PROJECT ANALYSIS

Staff has identified three federal interests relevant to this case: the Height of Buildings Act of 1910, as amended, the wetlands on the western portion of the site and the abutting National Park Service land.

Staff notes that some of the nearby community have submitted written concerns as well as given testimony during Zoning Commission's public hearings over this proposed development stating that they believe it to be too dense, too close to the wetland area and too high. The developer has made some adjustments to the proposal to address concerns raised, however some of these community members contend that the proposed changes have not been significant and do not fully address their concerns.

Federal Interest

Height of Buildings Act of 1910

The Height Act provisions allow building heights to be determined by measuring the building-face to building-face distance. The rowhouses range in height from 35 feet to 49 feet. The building-face to building face distance is at a minimum of 46 feet. Staff have reviewed this proposal and determined that this distance is sufficient to allow the proposed building heights in the development.

Wetlands

In July 2007, the developer requested a jurisdictional determination and verification of the delineation of waters of the United States from the United States Army Corps of Engineers (USACE) for a small unnamed stream and its adjacent wetlands on the western portion of the site. In October 2007, the USACE stated in a response to the developer that the unnamed stream is a waterway of the United States.

After reviewing the original Canal Parc proposal from November 2007, the District Department of the Environment's Water Quality Division stated in a letter dated January 25, 2008 that the proposed development would impact the wetland and stream. Since that time, the developer has worked with the District Department of the Environment (DDOE) to ensure that the wetland will not be adversely affected by the proposed development by agreeing to:

- Not add any fill/grading in the wetland and stream
- Reduce the number of units to provide more pervious area and provide adequate buffers around the wetland and stream
- Increase the recharge area through larger rain gardens and pervious pavers

Also DDOE stated, in their letter dated September 4, 2008, that developer will need to obtain a permit from USACE prior to construction of the development.

National Park Service Lands

This development property is located on land that is adjacent to the Chesapeake and Ohio Canal Park. The developer contacted NPS to discuss any issues that the Park Service has identified concerning the site development.

The National Park Service (NPS) submitted two letters to the developers concerning the proposed development, specifically requesting that wetlands be delineated with flags to ensure their protection and that NPS receive more information concerning the stormwater management. They also stated that they fully supported the District Department of the Environment's request "...that the Zoning Commission explicitly disallow any impacts to the wetlands or stream and allow minor changes to the site plan as necessary to avoid such impacts." According to NPS the developer has agreed the wetlands will be delineated by flags before construction begins.

Finally, NPS has requested that NPS be able to review and comment on the following plans: the Construction Management Plan, Grading Plan, Landscaping Plan, Green Development Plan, Wetlands Overlook Plan and the Rain Garden Plan. The developer will provide these documents to NPS and these documents will be reviewed by USACE and/or DDOE as this project moves into the construction phase.

Recommendation

Staff recommends that the Commission **advise the Zoning Commission of the District of Columbia that the proposed Consolidated Planned Unit Development and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other federal interests.**