



2009 SEP 14 AM 10:45

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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 REFR TO:
NCPC File No. Z.C. 09-06

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:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the proposed Consolidated Planned Unit Development and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel Acosta
Executive Director

Enclosure

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

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

09-06
35

**CONSOLIDATED PLANNED UNIT DEVELOPMENT AND RELATED MAP
AMENDMENT IN SQUARE 4268**

2001 New York Avenue, NE
Washington, DC

Referred by Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

AUG 27 2009

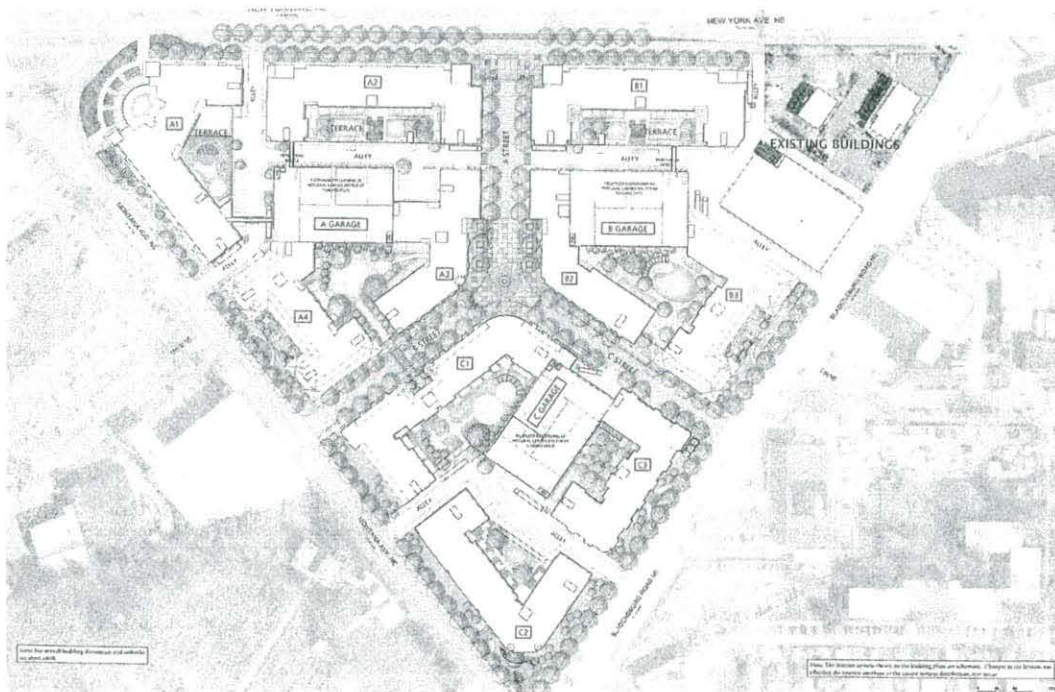
Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and DC Code §2-1006(a), I find that the proposed Consolidated Planned Unit Development (PUD) and related map amendment from C-M-1 to CR for a mixed use development at 2001 New York Avenue, NE, Washington, D.C. 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 Consolidated Planned Unit Development (PUD) and related map amendment at 2001 New York Avenue NE, in Square 4268.¹ The subject property encompasses approximately 16 acres, is located in Ward 5, and is generally bounded by New York Avenue, Bladensburg Road, and Montana Avenue. Currently the site is primarily occupied by several low-density commercial uses with large amounts of surface parking. According to the District of Columbia Office of Planning's (DCOP) report to the Zoning Commission, "the surrounding area is characterized by Production, Distribution and Repair (PDR) uses to the west, north and east, and residential neighborhoods or open space to the southeast and south." The U.S. National Arboretum, a federal facility operated by the United States Department of Agriculture, is located approximately 0.3 miles southeast of the subject property and has entrances off of New York Avenue as well as Bladensburg Road.

¹ NCPC reviewed and approved an earlier PUD for the subject property in February 2006, ZC 06-15. That project proposed a higher density mixed use development compared to this one. The changes to the development plans were necessitated by the current economic climate.

The proposed PUD will redevelop the subject property with a total of 10 five- and six-story buildings arranged along the three bounding streets, and three new streets constructed internal to the subject property. Seven of the buildings will be used for residential and retail purposes, while the remaining three buildings will be above-grade parking structures. The development will contain 1,350 – 1,420 residential units, two-thirds of which will be market-rate targeted for those making between 80% and 120% of the Average Median Income (AMI), while the remainder of the residential units will be made available to households with a total annual income of equal to or less than 60% of the AMI. The three buildings located along New York Avenue will contain approximately 69,000 square feet of retail space along the ground floor. Other noteworthy characteristics of the development include approximately 5.5 acres of public and private plazas and other open space, a significant reduction in impervious surface on the subject property, and rain gardens and other sustainable solutions that address stormwater storage and treatment.



Site plan

The two buildings located entirely along New York Avenue, and the one located at the intersection of New York Avenue and Montana Avenue, will be constructed to a maximum height of 77 feet. The remainder of the buildings being proposed for the subject property, including the above-grade parking structures, will not exceed 59 feet. As viewed from New York Avenue, all buildings will appear to be the same height due to a substantial increase in the natural grade of the subject property running from north to south.

The map amendment associated with this PUD will change the existing C-M-1 zoning to CR. This is necessary in order to allow the mix of uses and additional FAR and building height that are being proposed. Under the existing C-M-1 zoning, the maximum permitted building height and floor area ratio (FAR) are 40 feet and 3.0 respectively. Residential uses are not allowed under the existing zoning. Under the scenario of a PUD, the proposed map amendment to CR will allow a maximum building height of 110 feet, a residential FAR of 8.0, and a commercial FAR of 4.0. As stated above, the maximum building height for this development will not exceed 77 feet; and the combined FAR will be 2.46.



View from New York Avenue

The federal interests associated with the proposed PUD and related map amendment include compliance with the 1910 Height of Buildings Act (“the Act”) and the subject property’s relative close proximity to the U.S. National Arboretum. Based on the widths of the streets surrounding the subject property, the Act permits any building constructed and measured along New York Avenue to reach a maximum height of 130 feet, while any building constructed and measured along Bladensburg Road or Montana Avenue can attain a maximum height of 110 feet. The Act also requires penthouses and other roof structures to be setback from all exterior walls a distance equal to their height above the adjacent roof.

All buildings associated with this development fall well below the maximum height allowed by the Act. As stated above, based on the widths of the streets that surround the subject property the Act will allow building heights of 110 – 130 feet. The tallest buildings being proposed in this PUD will not exceed 77 feet. Furthermore, the combined height of the proposed buildings and their associated roof structures also does not exceed the maximum building height allowed under the Act. As such, the penthouses and other roof structures that are part of this development need not meet the Act’s setback requirements.

In order to ensure that the proposed PUD and related map amendment does not have an adverse affect on federal facilities located in close proximity staff discussed the proposal with the Director of the U.S. National Arboretum, Dr. Tom Elias, on August 6, 2009. Dr. Elias was generally familiar with the proposal and did not have any concerns regarding possible adverse affects.

Marcel C. Acosta
Executive Director