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The Honorable Vincent C. Gray

Executive Director
Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 09-08

OCT 06 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, 1st Stage Planned Unit Development, and related map amendment for an artist live-work building and a dance studio building in Square 3831, in Northeast 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. 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

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2009 OCT -8 PM 3:33

ZONING
District of Columbia

CASE NO.

09-08

EXHIBIT NO.

42

STAFF RECOMMENDATION



NCPC File No. ZC 09-08

BROOKLAND ARTSPACE LOFTS CONSOLIDATED PLANNED UNIT DEVELOPMENT, 1ST STAGE PLANNED UNIT DEVELOPMENT, AND RELATED MAP AMENDMENT AT SQUARE 3831, LOT 47 AND SQUARE 3832, LOT 803

Northeast, Washington, DC

Referred by the Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

SEP 24 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, 1st Stage Planned Unit Development, and related map amendment for an artist live-work building and a dance studio building at Square 3831, Lot 47 and Square 3832, Lot 803 in Northeast 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 (ZC) has taken a proposed action to approve a Consolidated Planned Unit Development (PUD), 1st Stage PUD, and related map amendment for the development of two buildings located at 3305 – 3313 8th Street, NE (Square 3831, Lot 47) and 3225 8th Street, NE (Square 3832, Lot 803). The project site also includes a one-block section of Kearny Street, NE, which the developer intends to close in connection with the advancement of the 1st Stage PUD. The site is located on the east side of 8th Street, NE immediately north and south of Kearny Street, NE, which bisects the site. To the north of the site is an automotive service station and to the south is a large warehouse. The site is bordered along the east by CSX and Washington Metropolitan Area Transit Authority (WMATA) right-of-way that continues to be used by both entities; it is approximately one-quarter of a mile from the Brookland / Catholic University Metrorail station. The property is currently zoned C-M-1 and is improved with two buildings which will be demolished to make way for the proposed development. The uses surrounding the project site include industrial and semi-industrial to the north and south; a residential neighborhood consisting of a mix of detached houses, rowhouses,

and small apartment buildings to the west; and a similar residential neighborhood located across the railroad tracks to the east.

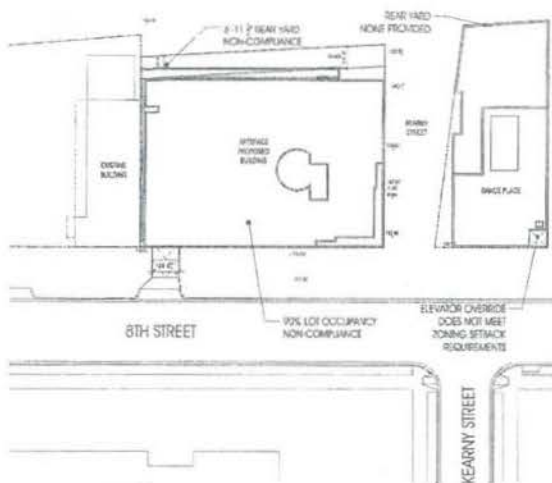


Project area

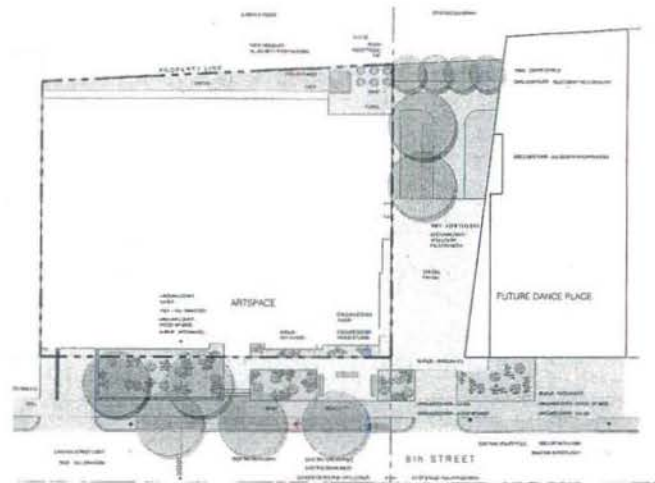
The proposed map amendment will rezone the property to the C-2-B Zone District, which is intended to serve commercial and residential functions along arterial streets near Metrorail stations. This map amendment will accommodate the desired mix of uses, building heights, and density on the property. A PUD in the C-2-B zone can attain a maximum building height of 90 feet and a maximum floor area ratio (FAR) of 6.0. The proposed project will have a maximum height of 48 feet, and a total FAR of 3.2.

The Consolidated PUD proposes to construct a four-story building on the portion of the project site that lies to the north of Kearny Street, NE (Square 3831, Lot 47). Currently this portion of the site is occupied by the one-story Brookland Studios building, studios leased to artists and arts organizations. The new building, called the Artspace Building, will contain 41 affordable, live-work residential dwelling units that will be made available to practicing artists. Approximately half of the dwelling units will be made available to households earning less than 60% of the Area Median Income (AMI); while the other half will be available to households earning less than 50% of the AMI. The ground-floor of the Artspace Building will contain a lobby, residential dwellings, multi-purpose gallery, and a flexible performance space that will open up to the outdoors. The remaining floors will each contain eleven dwelling units. The dwelling units, hallways, and other building spaces have been designed to maximize natural light and allow for the movement of large artwork and materials. The building will have a large green roof, and a roof patio that will be accessible to residents. As proposed, the building will be constructed to a height of 48 feet with multiple roof structures that vary in height but will not exceed 16'4".

The 1st Stage PUD proposes to construct a four-story building on the portion of the project site that lies to the south of Kearny Street, NE (Square 3832 Lot 803). Currently this lot is occupied by a two-story building that is owned and occupied by Dance Space, a successful educational and performing arts organization with a well-established reputation in the Greater D.C. Metropolitan area. The proposed building will continue to serve as the home of Dance Place, and has been designed in conjunction with the Artspace Building to allow the organization to enhance its neighborhood presence by recruiting additional artists to live right next door. The building is still in the early stages of design but is anticipated to have a lobby, two-story theater, and a two-story storage space on the ground floor. The upper floors will contain classrooms, dressing rooms, and administrative offices. As currently designed, the maximum height of this building will be 48 feet, the same as the Artspace Building, and will include two roof structures. The exact size and location of the roof structures has not yet been determined and will be finalized as plans for this PUD advance toward 2nd Stage and final review.



Site plan



Landscape plan

The lot that this building will be constructed on is currently a tax lot that was created within what was formerly the southern portion of the Kearny Street, NE right-of-way (ROW). Information attained from the District of Columbia Office of Planning (DCOP) indicates that the existing building on the lot has been in existence since 1945. The northern portion of the ROW remains open but is unimproved, does not function as a street, and is currently used as a parking area that serves the Brookland Studios and Dance Place. As part of this 1st Stage PUD, the developer intends to close the remaining portion of the Kearny Street, NE ROW. The condemned ROW will be used as a driveway to access the loading facilities of the two proposed buildings, as well as a public plaza and outdoor performance space. The feasibility of closing this portion of the ROW is still being determined by the developer and the District Department of Transportation (DDOT). According to DCOP's report to the ZC dated July 13, 2009, DDOT has indicated to the developer that the street "cannot be closed at this time as the ROW may be required for a segment of the future Metropolitan Branch Trail. The Metropolitan Branch Trail will eventually run from Union Station to Maryland, generally following the WMATA and CSX railroad right-of-way. In this area the trail has three possible alignments: adjacent to the railroad tracks; along 8th Street; or adjacent to the railroad tracks until Kearny Street, where the trail would cross over to 8th Street and continue north."



Rendering of Artspace Building

The proposed Consolidated PUD, 1st Stage PUD, and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capital, nor adversely affect any other identified federal interests.¹ The two 48' high buildings being proposed, as measured from 8th Street, NE, fall below the maximum building height limitation set forth by the 1910 Height of Buildings Act.² In addition, the roof structures associated with the proposed buildings are not setback at a 1:1 ratio from all exterior walls. According to the Act, roof structures are allowed to exceed the maximum permitted building height only if they are setback from all exterior walls a distance equal to their height above the adjacent roof. Since no portion of the roof structures associated with the proposed development will exceed the maximum building height permitted by the Act, the proposed roof structures are not required to meet the Act's 1:1 setback requirement.

A handwritten signature in black ink, appearing to read 'Marcel C. Acosta'.

Marcel C. Acosta
Executive Director

¹ Although the developer's intention of closing the remaining portion of the Kearny Street, NE right-of-way is referenced in the materials submitted to NCPC, and is also mentioned in this report, NCPC's favorable review of this Consolidated PUD, 1st Stage PUD, and related map amendment should not be construed as a de facto approval of the closing of this street right-of-way. The closing of this right-of-way is subject to further review pursuant to NCPC's authority over amendments to the Highway Plan of the District of Columbia.

² 8th Street, NE adjacent to the project site has a width of 100 feet.