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Acting Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 02-38A

NOV 08 2007

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
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 reviewed the proposed modification to the First-Stage Planned Unit Development (PUD), Second-Stage PUD approval, and the Zoning Map Amendment for the Waterside Mall Property at 401 M Street, SW, and found that the modification would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Acting Executive Director

Enclosure

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

02-38A
104

ZONING COMMISSION
District of Columbia
CASE NO.02-38A
EXHIBIT NO.104



**MODIFICATION TO FIRST-STAGE PLANNED UNIT DEVELOPMENT
APPLICATION FOR SECOND-STAGE PLANNED UNIT DEVELOPMENT, and
ZONING MAP AMENDMENT
Waterside Mall – 401 M Street, SW
Washington, D.C.**

Delegated Action of the Executive Director

OCT 25 2007

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 modifications to the First-Stage Planned Unit Development (PUD) approval, Second-Stage PUD approval, and the Zoning Map Amendment for the Waterside Mall Property at 401 M Street, SW would not be inconsistent with the Comprehensive Plan for the National Capital, nor have an adverse effect on any other federal interests.

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to approve a modification to the First-Stage PUD, application for the Second-Stage PUD, and a Zoning Map Amendment at the Waterside Mall Property at 401 M Street, SW. The site is located within the original L'Enfant city, just two blocks east of the Washington Channel waterfront in Southwest Washington, D.C. On July 10, 2003, the National Capital Planning Commission concluded that the proposed first stage PUD and related rezoning of certain lots, from C-3-B (commercial) to C-3-C (commercial), would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Elements of the PUD submitted in 2003 include the redevelopment of the Waterside Mall Property into a mixed-use development, bisected by a new 4th Street extension with a 90-foot-right-of-way through the property. The first-stage PUD consists of approximately 400,000 square feet of residential space and 2,126,500 square feet of commercial/office space for a total of approximately 2,526,500 square feet with an overall FAR of 4.33. The proposed development project will have eight buildings.

Modification of the First-Stage PUD

The modification to the First-Stage PUD includes increasing the height of the two buildings on M Street, SW from 112 feet to 127 feet, with setbacks of approximately 45 feet on the east and west sides (see diagram 2). It also proposes to increase the height of the office buildings to the east and west of 4th Street, SW from 79 feet to 94 feet. As a result, the amount of public and private open space has significantly increased to include more than 50,000 square feet as compared to the First Stage PUD, which incorporated a minimum of 25,000 square feet. The increased building heights comply with the Height of Buildings Act of 1910 based on the widths of the adjacent street rights-of-way.

Second-Stage PUD

The application for the Second-Stage PUD includes more detailed images, model photographs, building elevations, sections and plans for the four center buildings of the PUD. No federal interests are adversely affected by the Second-Stage PUD.

Zoning Map Amendment

The applicant has submitted for a Zoning Map Amendment for the four center buildings of the planned-unit development. The amendment would rezone these properties, which are currently zoned C-3-B, to C-3-C. A PUD in the C-3-C zone is allowed a maximum height of 130 feet. The overall density of the site and the re-opening of 4th Street will not be modified.

The federal interests in this project include 4th Street and M Street which are both L'Enfant Streets and the Height and Buildings Act of 1910. As approved by the Commission in 2003, 4th Street will be reopened as a 90-foot right-of-way to reconnect the L'Enfant grid. The proposed building heights on 4th Street are 94 feet. The right-of-way on M Street, SW between Delaware Ave and 6th Street, SW is 120 feet. The proposed building heights fronting M Street are 127 feet.

No federal interests are adversely affected by the submitted project; the proposed development adversely affects neither federal land reservations nor L'Enfant street rights-of-way, nor does it exceed the height limitations set forth by the Height of Buildings Act of 1910. Additionally, the proposed development would not be inconsistent with the Comprehensive Plan for the National Capital.



Marcel C. Acosta
Acting Executive Director