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The Honorable Phil Mendelson

*Executive Director*  
Marcel Acosta

**IN REPLY REFER TO:  
NCPC File No. Z.C. 17-14**

**September 17, 2018**

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

**Members of the Zoning Commission:**

Pursuant to delegations of authority adopted by the Commission on October 3, 1996, I found that that the proposed Zoning Map amendment for the property located on Square 3594, part of Lot 3 (UM 500 Penn Street, NE, LLC and UDR, Inc.), with a street address of 500 Penn Street, NE from PDR-1 to MU-9, would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests. These comments are submitted today because our agency was only made aware of this case two weeks ago and we are trying to accommodate the Zoning Commission schedule. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

  
**Marcel C. Acosta  
Executive Director**

**Enclosure**

**cc: Eric Shaw, Director, District of Columbia Office of Planning  
Anthony Hood, Chairman, Zoning Commission**



## Delegated Action of the Executive Director

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**PROJECT**

**Consolidated Planned Unit Development and Related Map Amendment at Square 3594, UM 500 Penn Street, NE, LLC and UDR, Inc. - Ward 5**  
500 Penn Street, NE  
Washington, DC

**REFERRED BY**

Zoning Commission of the District of Columbia

**NCPC FILE NUMBER**

ZC 17-14

**NCPC MAP FILE NUMBER**

43.00(06.00)44813

**DETERMINATION**

Approval of report to the Zoning Commission of the District of Columbia

**REVIEW AUTHORITY**

Advisory

per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a)

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The District of Columbia Office of Zoning has taken proposed action on a 12-story, 130-foot-high, mixed-use rental apartment building with ground floor retail located south of New York Avenue and north of Florida Avenue, NE at 500 Penn Street, NE. This 37,400 square foot property is the latest development in the Union Market District - an emerging residential and entertainment enclave in Washington, DC.

The project includes a T-shaped building with an 8.4 floor area ratio (FAR), which translates into nearly 315,000 gross square feet of building above grade. It will include 299 apartments and 22,700 gross square feet of commercial uses. The developer intends for this project to anchor the north end of the Union Market District. Three levels of underground parking will accommodate 203 parking spaces. The applicant is requesting the Zoning Commission allow this planned unit development to increase from existing PDR-1 to a MU-9 zoning district and is also requesting rear yard setback relief from Subtitle G § 405.3.

The measuring point for this project is along Penn Street, NE, which is 110 feet and has an allowable building height of 130 feet under the Height of Buildings Act of 1910. The building would be constructed to this maximum height, and the 20-foot, habitable penthouse space above the roof would be set back at a 1:1 ratio for all sides facing public streets and alleys, per the Height Act. The penthouse is not setback from the edge of the roof along a portion of the east elevation, which faces a courtyard. This is allowable per the Height Act since the rear of the building would abut existing development—making the courtyard a “closed court.”

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Figure 1 – Perspective Rendering - Penthouse (view looking west)

Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find that the proposed Consolidated Planned Unit Development and Related Map Amendment at Square 3594 , part of Lot 2 (UM 500 Penn Street, NE, LLC and VDR Inc.), located at 500 Penn Street, NE, Washington, DC, would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital nor would it adversely affect any other identified federal interests.

  
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Marcel Acosta  
Executive Director

9.17.18  
Date