

STAFF RECOMMENDATION

Carlton Hart

NCPC File No. ZC 05-36A



UNION PLACE - 250 K STREET SECOND STAGE PLANNED UNIT DEVELOPMENT

250 K Street, NE
Washington, DC

Submitted by the Office of the Zoning Commission

July 3, 2008

Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to approve a Second Stage Planned Unit Development (PUD) located at 250 K Street, NE Washington, D.C. The proposal includes a 14-story mixed use building with approximately 500 residential units and 13,800 square feet of retail space and will connect to an existing residential development on the same site.

Federal Interest

The identified federal interest relevant to this proposal is the Height of Buildings Act of 1910.

Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to U.S.C. Section 8742(a) and D.C. Code Section 2-1006(a)(1).

Executive Director's Recommendation

The Commission:

Advises the Zoning Commission that the project is not in compliance with the Height of Buildings Act of 1910 as amended because two rooftop elements that are penthouses over mechanical equipment are not set back from all exterior walls, and the Act provides that "Pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof" and therefore that the proposed action is adverse to the federal interest.

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PROJECT DESCRIPTION

Site

This proposal is located in Northeast Washington, D.C. in Square 749, a sloped site bounded by K Street, 2nd Street, 3rd Street and L Street, NE. The proposed second stage PUD is located on the western portion of the 2.3 acre site, shown here in white. Another PUD is shown in this aerial map adjacent to this site to the east.

Elevated railroad tracks are due west and across 2nd Street from this site. Union Station is approximately a half mile south of this site and the newly opened New York Avenue metro station is within walking distance, at one-quarter mile, to the north.

The neighborhood is a mix of low rise commercial buildings to the north and 2-story townhouses, to the east and south.



SITE LOCATION

Background

NCPC reviewed a consolidated PUD for the building located to the east of this proposal and a First Stage PUD for this building in February 2006. At that time, the Commission approved the consolidated PUD and submitted the following recommendations for the First Stage PUD proposal: (1) that the developer clearly demonstrate that the buildings are functionally one building by providing a meaningful connection and (2) to reduce the height so the building will not exceed 130 feet as measured at the front of the building on K Street.

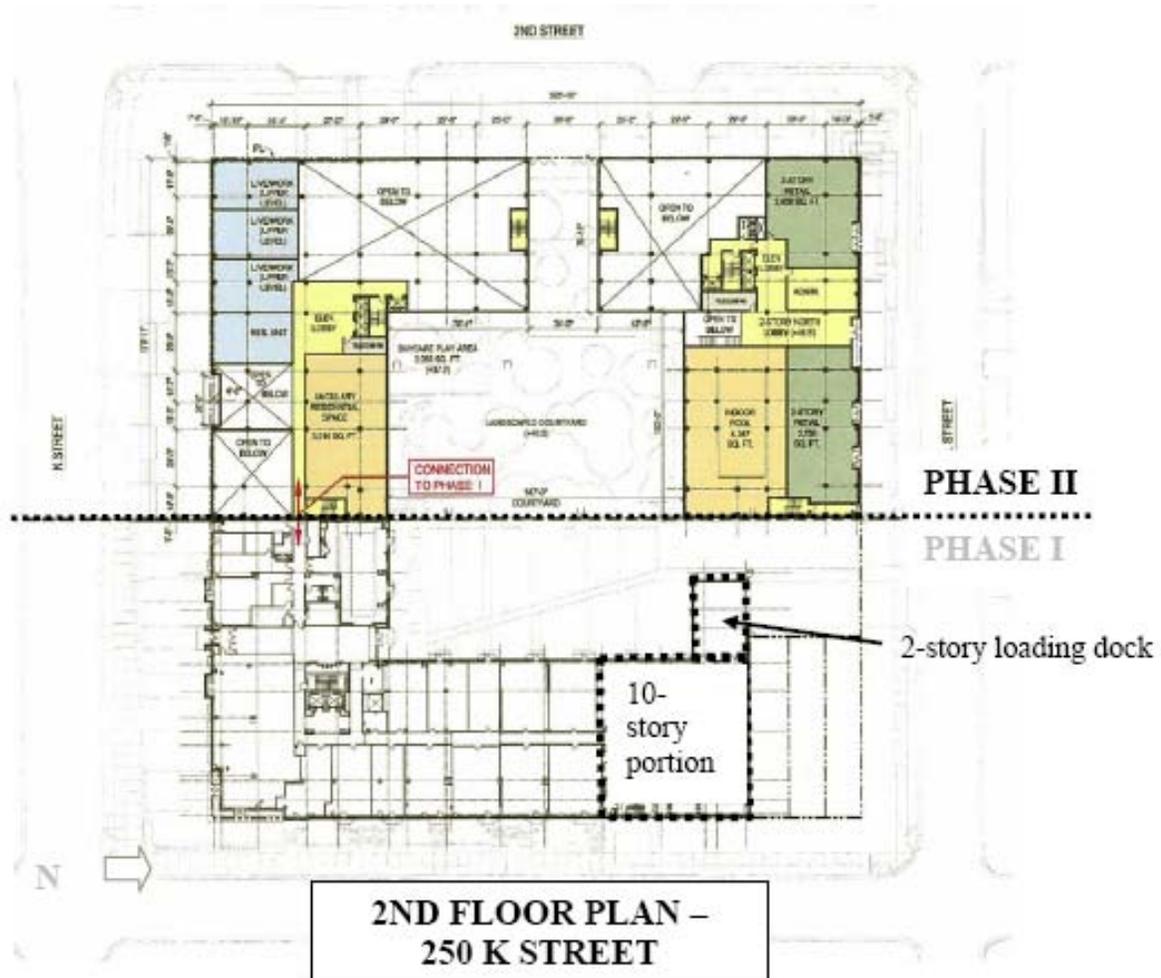
Proposal

The proposal is to construct a 14-story, mixed-use building consisting of 555,545 square feet of gross floor area and a height of 130 feet as measured from K Street, NE. This proposal includes 500 residential units, a daycare and other retail space. Approximately 50 of the units will be affordable while the others will be market rate. The daycare and other retail spaces are 13,801 square feet of the total gross floor area. The daycare will also use a portion of the building's enclosed courtyard. There are 545 underground parking spaces included with this proposal.



Also included in this design is a two-story loading dock that is located and accessed on L Street, NE. Union Place includes a central court which is approximately 28,400 square feet. The second stage PUD will provide approximately 17,700 square feet of the total 28,400 square feet. The court is on two levels because of the grade change on the site.

The second stage PUD will connect with the Phase I consolidated PUD. This connection will occur along the hallway on the each of the floors from the second floor to the eleventh floor. The approved consolidated PUD is an eleven-story building which steps down to ten stories along 3rd Street, NE.



PROJECT ANALYSIS

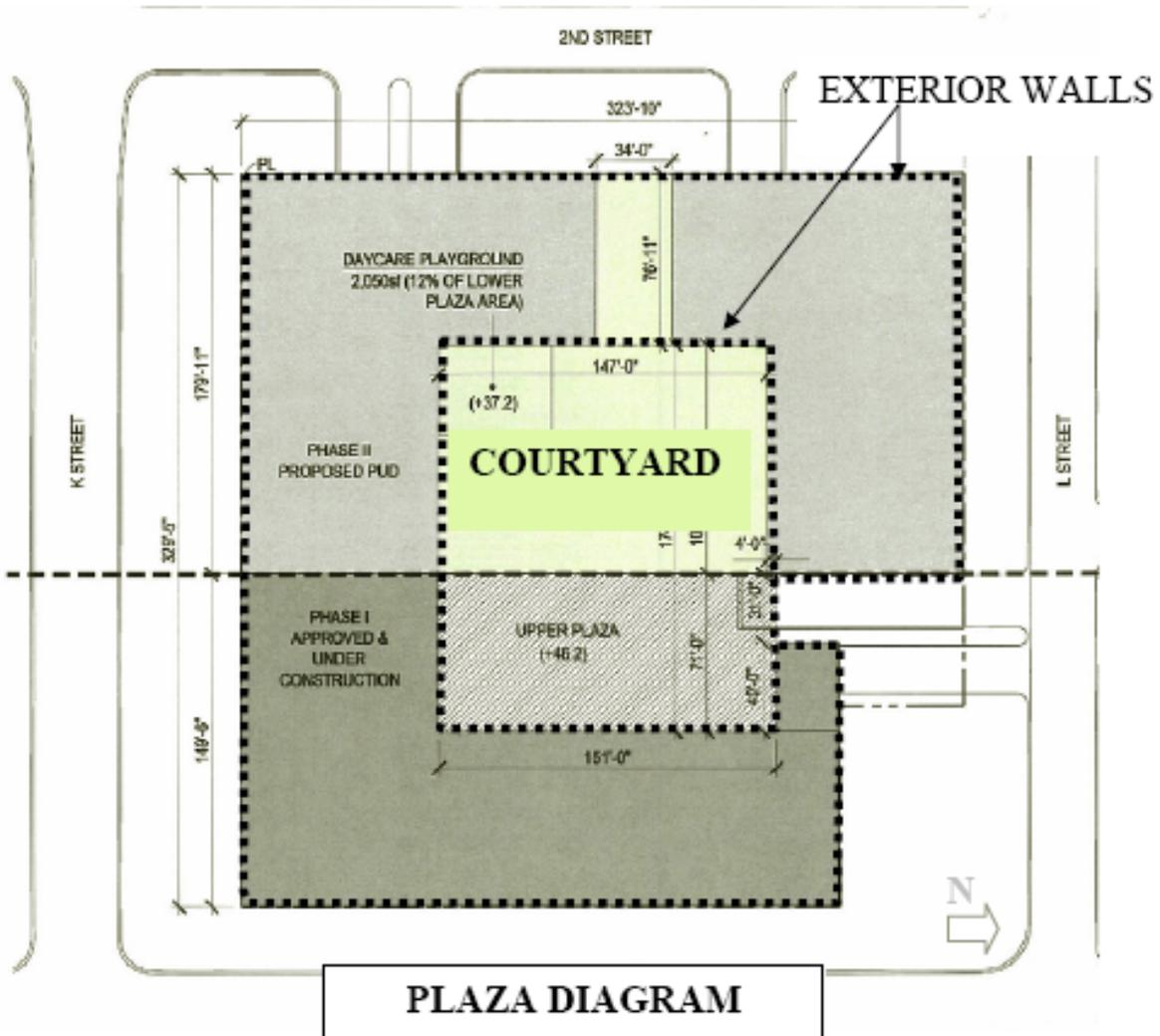
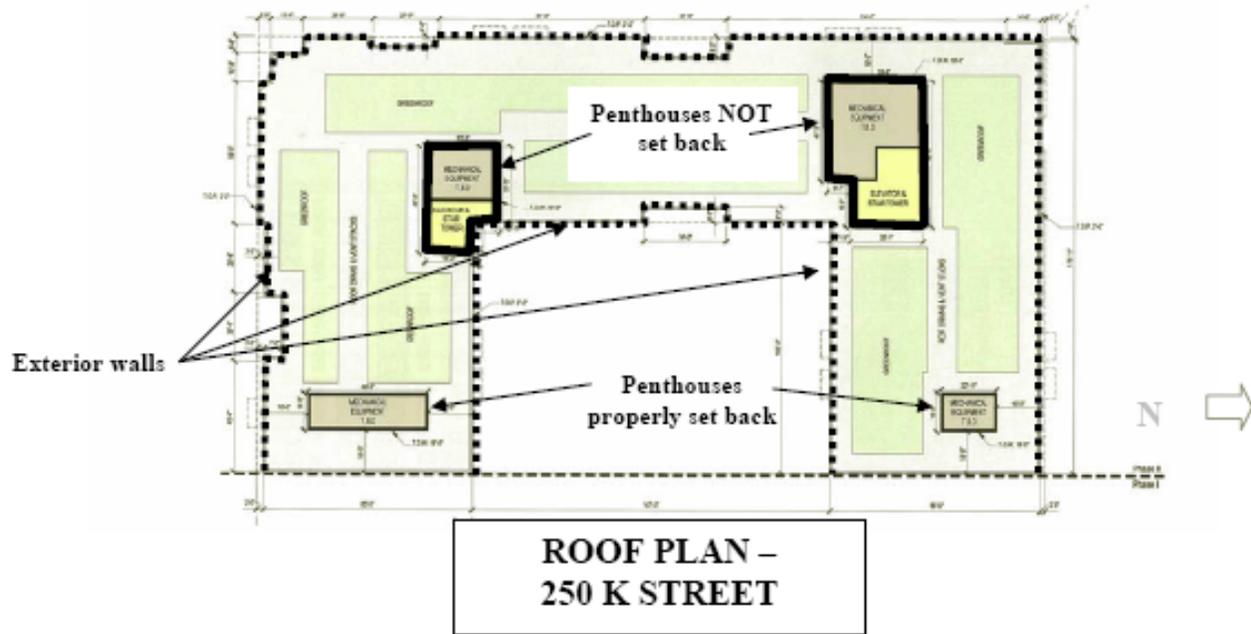
Executive Summary

Staff finds that the second stage PUD proposal for 250 K Street, NE is not in compliance with the Height of Buildings Act because some of the rooftop penthouses are not set back from the building's exterior walls a distance to their heights above the adjacent roof. This finding is consistent with the Commission's actions on previous zoning referrals.

Exterior walls

The Commission has defined exterior wall as a wall which is part of the envelope of a building, thereby having one face exposed to the weather or to earth¹. As the walls surrounding the closed court are exposed to the weather, then they would be considered exterior walls. As the roof plan above shows, the penthouses on the western side of the proposed building are not set back from these exterior walls in accordance with the Height Act. Two other penthouses on the roof are set back according to the Height Act.

¹ *Dictionary of Architecture and Construction*, Cyril M. Harris, 1993, McGraw-Hill, p. 314.



Staff has identified and reviewed two similar cases. In Zoning Case Number 07-21, 2201 M Street, NW, which was before the Commission in May 2008, the developer was requesting set back relief for their penthouses from the rear and side exterior walls. In this case these penthouses were not set back from these walls, and the Commission found that the proposed action would be adverse to the federal interest because it did not comply with requirements of the Height Act. In Zoning Case Number 07-18, 1000 F Street, which was before the Commission on March 2008, a penthouse was not set back from the rear exterior wall and one side exterior wall. Again, NCPC found the building design did not comply with the Height Act.

Staff finds that the project is not in compliance with the Height of Buildings Act of 1910 as amended because two rooftop elements that are penthouses over mechanical equipment are not set back from all exterior walls open to the elements or earth, and the Act provides that “Pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof.”