



**PARTIAL CLOSING OF PUBLIC STREETS  
IN SQUARES 5040, 5041, 5055, AND 5056 (S.O. 07-1213)**  
Northwest of Kenilworth Avenue, NE  
Washington, D.C.

**Delegated Action of the Executive Director**

January 31, 2008

Pursuant to the Commission's delegations of authority adopted on October 3, 1996 and D.C. Code §9-202.02, I find that the partial closing of public streets (S.O. 07-1213) in Squares 5040, 5041, 5055, 5056 as shown on NCPC Map File No. 81.00(44.40)42435, would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital nor adversely affect any other federal interests.

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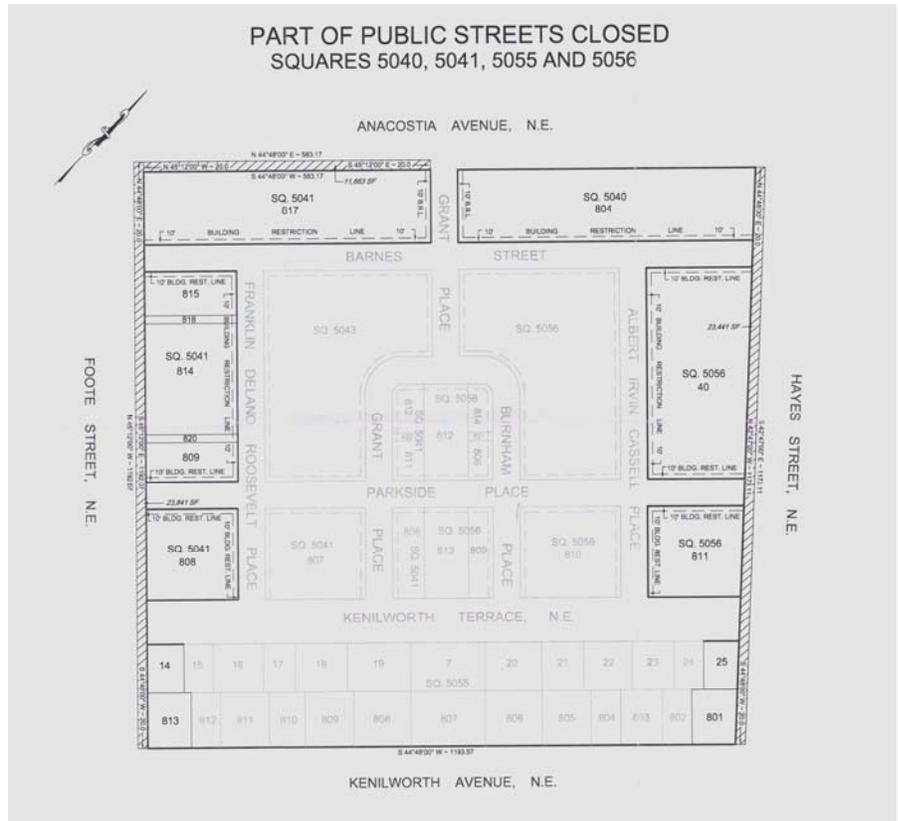
The District of Columbia Office of the Surveyor has filed on behalf of Parkside Residential LLC and Lano Parcel 12 LLC, an application for the partial closing of public streets in Squares 5040, 5041, 5055, and 5056. The proposal is to reduce the 90 foot right-of-way of Anacostia Avenue, NE between Foote Street, NE and Grant Place and to reduce the 90 foot right-of-way of Foote Street, NE and Hayes Street, NE between Anacostia Avenue, NE and Kenilworth Avenue, NE to a width of 70 feet.

The applicant has submitted this proposal in furtherance of a first stage PUD application to prepare the property for future development. The first stage PUD, which was approved by the National Capital Planning Commission in June of 2006, proposes 3.3 million square feet of mixed-use development with a floor area ratio of approximately 4.4. As part of the PUD the majority of the site was rezoned to C-3-A with the exception of two lots on Kenilworth Avenue which have been rezoned to CR to accommodate two 110 foot office buildings. Residential development is proposed for all of the blocks adjacent to the partial street closings.

The identified federal interest for this proposal is the Height of Buildings Act of 1910. The Act regulates building height based on whether a street is classified as a business or a residential street. If the streets in this proposal are considered business streets because they are

commercially zoned (C-3-A), the allowable height is the width of the street increased by 20 feet. Therefore the allowable building height on Anacostia Avenue, NE, Foote Street, NE and Hayes Street, NE is 90 feet if the street widths are reduced to 70 feet. According to the approved first stage PUD the tallest building fronting any of the streets in this proposal is 74 feet and therefore is in accordance with the Act. If the second stage PUD is submitted with buildings taller than 90 feet on these particular streets, it will be in violation of the Height of Buildings Act.

NCPC staff is currently working with the DC Office of Planning to determine how residence and business streets are defined (i.e. by zoning or by land use) in reference to the Height of Buildings Act. While these discussions continue, it is important to note that NCPC is not bound by the city's interpretation that residence and business streets are defined by zoning. In this instance and in the spirit of cooperation to move the project forward, NCPC will use zoning rather than land use to determine whether the street is a business street or a residence street. As a result, I find that the proposed partial closing of public streets in Squares 5040, 5041, 5055, and 5056 would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other federal interests.



The Coordinating Committee reviewed the proposal at its January 16, 2008 meeting and forwarded the proposal to the Commission with the statement that the proposal has been coordinated with all agencies represented except the District of Columbia Office of Planning (DCOP) and the District Department of Transportation (DDOT). The representatives for DCOP and DDOT indicated that there are local unresolved issues related to the proposal.

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Marcel C. Acosta  
Acting Executive Director