

**REMOVAL OF BUILDING RESTRICTION LINES
(PARTIAL STREET CLOSING)
IN SQUARES 5041 AND 5056 (S.O. 07-1212)
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 proposed removal of building restriction lines (S.O. 07-1212) in Squares 5041 and 5056, as shown on NCPC Map File No. 81.00(44.40)42439, would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital nor adversely affect any other federal interests.

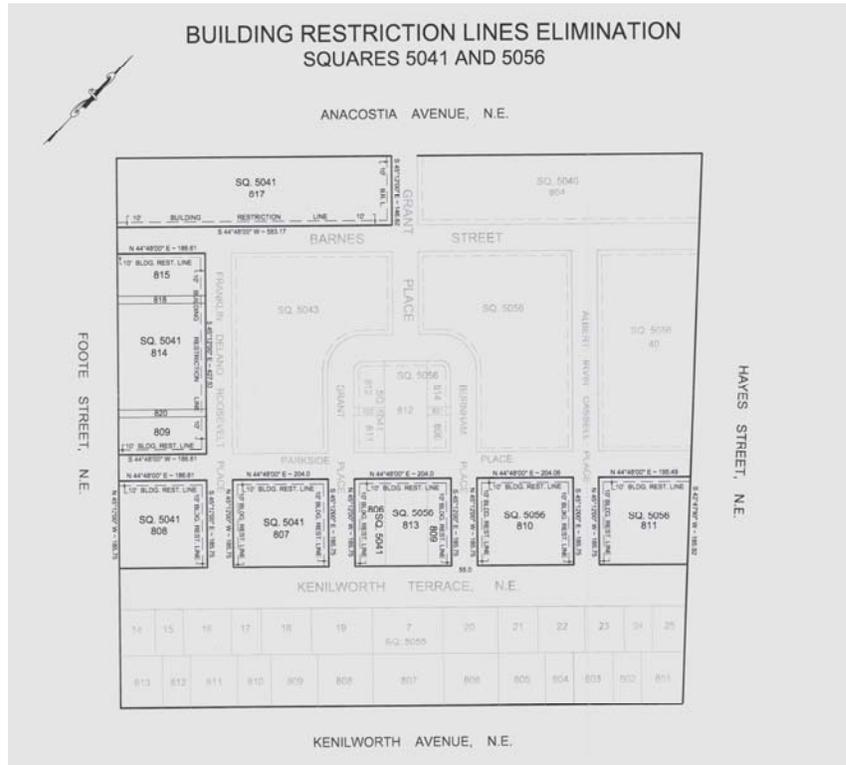
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The District of Columbia Office of the Surveyor has filed, on behalf of Parkside Residential LLC and Lano Parcel 12 LLC, an application for the removal of building restriction lines in Squares 5041 and 5056 on Barnes Street, Franklin Delano Roosevelt Place, Parkside Place, Grant Place, Burnham Place, and Albert Irvin Cassell Place. 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 were rezoned to CR to accommodate two 110 foot office buildings. Residential development is proposed for all of the blocks with building restriction lines with the exception of one block that is planned as retail.

Barnes Street, Franklin Delano Roosevelt Place, Parkside Place, Grant Place, Burnham Place, and Albert Irvin Cassell Place are 55 foot wide public rights-of-way. The building restriction lines on the adjacent properties are each 10 feet wide. The identified federal interest for this proposal is the Height of Buildings Act of 1910. The Act states that on streets less than 90 feet where building lines have been established, the width of the street in reference to the height of the buildings shall be the distance between said building lines. Therefore the removal of the building restriction lines will limit the street width that determines the allowable building height.

The Height of Buildings Act also regulates building height based on whether a street is classified as a business or residence street. If the streets in this proposal are considered business streets since 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 these streets is 75 feet. According to the approved first stage PUD the tallest building fronting any of the streets in this proposal is 74 feet and therefore in accordance with the Act. If the second stage PUD is submitted with buildings taller than 75 feet on these particular streets, it will be in violation of the Height of Buildings Act.



NCPC staff is currently working with the 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 or a residence street. As a result, I find that the proposed removal of building restriction lines 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.

Marcel C. Acosta
Acting Executive Director