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401 9th Street, NW  
North Lobby, Suite 500  
Washington, DC 20004  
Tel 202 482-7200  
Fax 202 482-7272  
www.ncpc.gov

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The Honorable Adrian M. Fenty

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Council of the District of Columbia  
The Honorable Vincent C. Gray

**Acting Executive Director**  
Marcel C. Acosta

IN REPLY REFER TO:  
NCPC File No. Z.C. 05-15A

**APR 09 2008**

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

**Members of the Commission:**

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the proposed modification to the development program and massing for the Planned Unit Development at 318 Eye Street, NE bounded by 4<sup>th</sup> Street, NE, and Eye Street, NE, would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any other federal interests. A copy of the Delegated Action of the Acting Executive Director is enclosed.

Sincerely,

Marcel C. Acosta  
Acting Executive Director

**Enclosure**

cc: Harriet Tregoning, Director  
D.C. Office of Planning

Anthony Hood  
Chairman, Zoning Commission

ZONING COMMISSION  
District of Columbia  
CASE NO. 05-15A  
EXHIBIT NO. 39



**CONSOLIDATED PLANNED UNIT DEVELOPMENT**

Located on Square 775, Lots 1,22,23,32,826, and 827  
318 Eye Street, NE  
Washington, D.C.

**Delegated Action of the Executive Director**

**MAR 27 2008**

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. § 8724(a) and D.C. Code § 2-1006(a), I find that the proposed modification to the development program and massing for the Planned Unit Development (PUD) at 318 Eye Street, NE bounded by 4th Street, NE, and Eye Street, NE, would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other federal interests.

\* \* \*

The Zoning Commission has referred to NCPC for review and comment a proposed action for a modification to a PUD proposal for a residential project at 318 Eye Street, NE. The modification seeks to change the number and type of residential units and to increase the building height by five feet. NCPC approved the original PUD proposal in December of 2005 as a delegated action of the executive director.

The existing property will be developed with a 1-2 story industrial building formerly occupied by the Uptown Bakers, a wholesale bakery establishment, and will have a paved parking area. The site sits on the corner of 4<sup>th</sup> Street, NE and Eye Street, NE. Abutting the western boundary of the site is a public alley extending between Eye Street, NE, and K Street, NE. The surrounding development is currently comprised of 2-story row dwellings to the north, south and east in a Residential (R-4) zone district. Buildings to the west fall within a Community Business Center (C-2-B) zone district. The current project property is zoned C-2-B. The previously-approved PUD consisted of 140 condominiums with 140 parking spaces in a below-grade garage and approximately 160,000 square feet of gross floor area equaling a floor area ratio of 5.65. The approved building height was 65 feet.

The modified PUD proposes 160-180 rental units with a building height of 70' not including rooftop penthouse structures. The below-grade parking garage opens onto a paved courtyard accessed from the adjacent public alley. The building would be constructed primarily of brick and masonry with metal windows and pre-cast stone concrete and stone trim. The design also includes a landscaped rooftop with a recreation area for residents.

The Height of Buildings Act limits buildings along residence streets to a height not greater than the street width less 10 feet to a maximum of 85 feet. Since the project lot abuts two streets, 4th Street, NE and Eye St, NE, the height can be measured from the wider street. 4th Street, NE, is 85 feet wide and Eye Street, NE is 90 feet wide. Therefore, applying the Height Act, the allowable building height, taken from Eye Street, NE, is 80 feet.

The height of the modified PUD is 70 feet with a 3'6" parapet. The building has two penthouse structures; one houses mechanical equipment, a cooling tower, and an elevator shaft and the other houses a stairwell. Both penthouse structures are setback from the exterior walls of 4th St, NE and Eye Street, NE at a ratio of 1:1 with their respective heights. Under the Height Act, rooftop penthouses may exceed the limit of height if they are set back a distance from the exterior walls equal to their height above the adjacent roof.

Therefore, the modified PUD complies with the 1910 Height of Buildings Act. The proposed project is consistent with the Comprehensive Plan for the National Capital, and will have no adverse effects on any other federal interests.



Marcel C. Acosta  
Acting Executive Director