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Sent: Sunday, October 31, 2010 7:49 PM
To: Miller, Robert (COUNCIL)
Cc: SGrigg@RepublicPropertiesCorp.com
Subject: Bill 18-867--Comp Plan Summary of Testimony

Rob--I have reviewed the attached summary of the testimony to the Council on the proposed amendments to the Comp Plan. There were a number of people who testified regarding the measurement of buildings in "air rights" situations, and the need to conform to the 1910 Height Act. The purpose of this email is a friendly reminder about the Council's enactment of Law 12-234 (Bill 12-170) in 1999, to "amend Paragraph 14 of the Schedule of Heights Adjacent to Public Buildings to provide more uniformity in the heights and setbacks of buildings to be developed on [the Portals] site bounded by 14th Street, SW, 12th Street, SW, and Maine Avenue in Ward 2."

The Portals development in Southwest DC is a multi-phase project, with several development sites already completed, including three office buildings and the Mandarin Oriental hotel, and two development sites remaining. Maryland Avenue, SW, west of 12th Street, was constructed over the railroad tracks as the access roadway to the several Portals buildings. The Report to Members of the Council on Bill 12-170, Schedule of Heights of Buildings Amendment Act of 1998", from Chairman Linda Cropp, dated October 20, 1998, notes on page 3 that "The Portals site is zoned C-3-C, which permits a building to be constructed to a matter-of-right to a height of 90 feet, as measured from the highest elevated sidewalk adjacent to the building (which in this case, is the Maryland Avenue frontage)". Chairman Cropp also recognized on page 3 of that Report that "the maximum building height of the Portals building under the 1910 Height Act is 130 feet, as measured from the Maryland Avenue frontage."

To the extent that the Portals development is considered to be an "air-rights" project, I urge the Council not to take any action, inadvertently or otherwise, which would affect the rights of the remaining Portals sites to be developed as originally contemplated, with a measuring point from Maryland Avenue, SW, pursuant to DC Law 12-234.

Please include this email in the public record of this case. If there is any other action necessary in order to officially convey these views, please let me know. Thank you.

Chris

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