

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

July 13, 2015

John Epting Esq.
Goulston & Storrs
1999 K Street NW, Suite 500
Washington, DC 20006



RE: Howard Road, SE: Squares 5860 and 5861: Determination of Street Frontage for 1910 Height Act Purposes

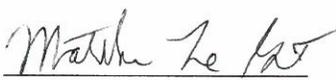
Dear Mr. Epting:

As discussed during our April 10, 2015 meeting, this letter addresses the issue of the permissible building height for development on the North side (Square 5860, Lots 982, 986, 988, and 1020) and South side (Square 5861, Lots 951, 86, 85, 957 and 79) of Howard Road, S.E. abutting South Capitol Street ("Property"). Anacostia Park is to the North. A plat depicting the Property is attached to this letter as Exhibit A. The Property is located in the W-3 Zone District. It is my understanding that the property owner intends to rezone the Property through a planned unit development ("PUD") to the C-3-C Zone District. With a PUD, the C-3-C Zone District permits a maximum building height of 130 feet and a maximum floor area ratio (FAR) of 8.0 as a matter-of-right.

The 1910 Height Act allows a building on a business street (which includes a street in a commercial zone district) to be built to a height equal to the width of the widest abutting street plus twenty feet, with the overall maximum building height being 130 feet.

Based on my review of the plats and street width card attached on Exhibit B, I find that the Property has frontage on South Capitol Street, SE, which has a right-of-way width of at least 130 feet. Therefore, subject to approval of the Zoning Commission, a building constructed on the Property will be permitted to achieve a maximum building height of 130 feet. In reaching this decision, I note the decision of the District of Columbia Circuit Court in the case of Stanley Company of America v. Tobriner (which addressed the issue of whether the Warner Theater Building has frontage on Pennsylvania Avenue, N.W.). In that case the court noted the physical relationship between the Warner Theater Building and Pennsylvania Avenue, which the court found "to be clearly in the line of a well nigh unobstructed view from the Avenue as well as in close proximity thereto." Applying this standard to the Property and South Capitol Street SE, I find that the Property abuts and has an unobstructed line of sight to the portion of South Capitol Street that has a street width of at least 130 feet.

Please feel free to contact me if there are any questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Exhibits A and B

cc: Tom Skinner, Louis Dubin, William Passmore

File: Det Let re Squares 5860 & 5861 to Epting 7-13-15