

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



January 12, 2011

Paul Tummonds, Esq.
Goulston & Storrs
2001 K Street NW, Suite 500
Washington, DC 20006

RE: Square 737 (Property Bound by H, I and 2nd Streets, S.E and New Jersey and Virginia Avenues, S.E.) – Determination of Street Frontages for 1910 Height Act Purposes

Dear Mr. Tummonds:

Pursuant to your request, and as we discussed today, this letter addresses the issues of the permissible building heights for development on Square 737. Square 737 is bound by H Street, S.E., Virginia Avenue, S.E., 2nd Street, S.E., I Street, S.E. (to be constructed), and New Jersey Avenue, S.E. A plat depicting the property included in Square 737 is attached to this letter. Square 737 is located in the C-3-C Zone District and the Capitol South Transferrable Development Right (TDR) Receiving Zone. The C-3-C Zone District permits a maximum building height of 90 feet as a matter-of-right and a maximum floor area ratio (FAR) of 6.5.

Section 1709.21 states that a building in the Capitol South Receiving Zone may be built to the maximum permitted building height allowed under the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (the "1910 Height Act") and that the maximum FAR shall be 10.0 for buildings permitted to a height of 130 feet. 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 attached plat, I find that Square 737 has frontage on Virginia Avenue, S.E., which has a right-of-way width of 160 feet. Therefore, if all of the property in Square 737 is subdivided into a single record lot, the building constructed on that record lot will be permitted to achieve a maximum building height of 130 feet.

In addition, I find that the portion of the property that has frontage along New Jersey Avenue, S.E. (in the event that there is more than one record lot created on the Square 737

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property) is also permitted to have a building with a maximum building height of 130 feet, as Square 737 does have frontage on a portion of New Jersey Avenue, S.E. that is 160 feet wide. 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 Square 737 and New Jersey Avenue, S.E., I find that Square 737 has an unobstructed line of sight to the portion of New Jersey Avenue that has a street width of 160 feet and is merely across the intersection of New Jersey Avenue, S.E. and I Street, S.E. from Square 737.

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

Sincerely, 

Matthew Le Grant
Zoning Administrator

cc: Konrad Schlater, Wm. C. Smith & Co.

Attachment – Plat – Square 737

SOUTHEAST FREEWAY
I-395

NOTE:
THIS PLAN HAS BEEN PREPARED BY THE ENGINEER AND SURVEYOR AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER AND SURVEYOR. THE ENGINEER AND SURVEYOR ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. ALL RIGHTS RESERVED.



VIRGINIA AVENUE, S. E.
160.0'

CANAL STREET, S. E.
100.0'

NEW JERSEY AVENUE, S. E.
100.0'

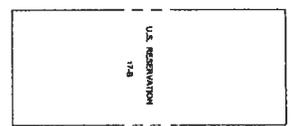
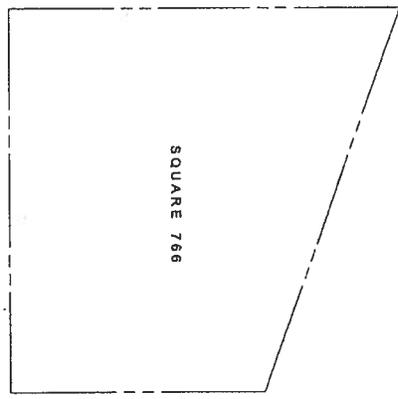
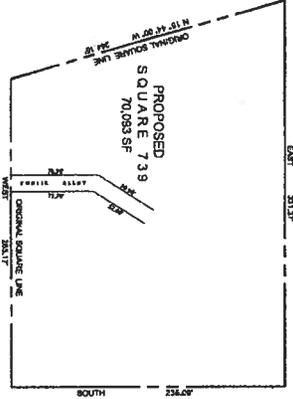
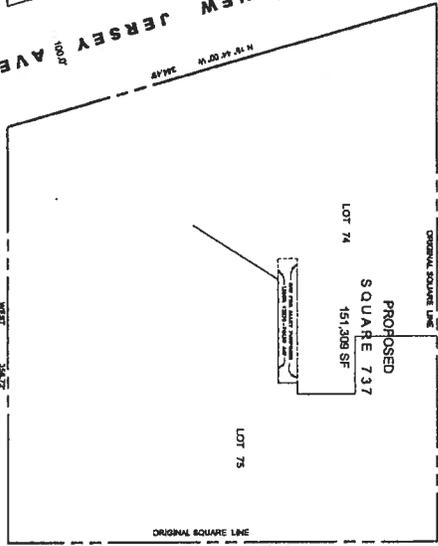
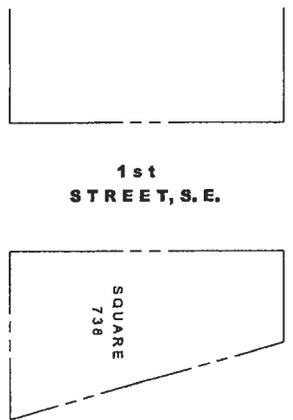
2nd I (EYE) STREET, S. E.
(100' WIDE)

PROPOSED 1 (EYE) STREET
(100' WIDE)

3rd I (EYE) STREET, S. E.
(100' WIDE)

1st STREET, S. E.

K STREET, S. E.



AMT, LLC

PROFESSIONAL ENGINEERS & LAND SURVEYORS
1000 B STREET, N.E. SUITE 100
WASHINGTON, D.C. 20002
PHONE: (202) 331-4147 FAX: (202) 331-4148

NO.	DATE	DESCRIPTION
1	1/15/20	FINAL SURVEY AND PLAT FOR PROPOSED SQUARES 737 AND 739, NEW JERSEY AVENUE, S.E. AND 1 (EYE) STREET, S.E. WASHINGTON, D.C.
2	1/15/20	FIELD NOTES FOR SURVEY
3	1/15/20	FIELD NOTES FOR SURVEY
4	1/15/20	FIELD NOTES FOR SURVEY
5	1/15/20	FIELD NOTES FOR SURVEY
6	1/15/20	FIELD NOTES FOR SURVEY
7	1/15/20	FIELD NOTES FOR SURVEY
8	1/15/20	FIELD NOTES FOR SURVEY
9	1/15/20	FIELD NOTES FOR SURVEY
10	1/15/20	FIELD NOTES FOR SURVEY



SCALE	DATE	BY
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC
1" = 40 FT	1/15/20	AMT, LLC

PROPOSED FINAL BOUNDARY
RECOMPOUND SQUARES 737 and 739,
NEW JERSEY AVENUE, S.E. and 1 (EYE) STREET, S.E.
WASHINGTON, D.C.
DISTRICT OF COLUMBIA
NO. 20

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