

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



April 18, 2011

Mr. Christopher H. Collins, Esquire  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Re: 2030 M Street, NW--Transferable Development Rights

Dear Mr. Collins:

This letter is to confirm the matters discussed in our meeting on March 29, 2011 concerning the extent to which Transferable Development Rights (TDR's) may be transferred to and used on the above site.

The property is identified as Square 100, Lot 114, and is zoned C-3-C. The property is located within the New Downtown receiving zone, per Section 1709.16 of the DC Zoning Regulations. Per Section 1709.21, the maximum permitted building height in the New Downtown receiving zone is that permitted by the 1910 Height Act, and the maximum permitted FAR is 10.0 for buildings that are permitted a maximum building height of 130 ft., and 9.0 FAR for buildings permitted a lesser height.

The 1910 Height Act allows a building on a business street (which includes those sides and portions of any street located in a commercial zone, per Section 2511 of the Zoning Regulations) to be built to a maximum height equal to the width of the adjacent street, increased by 20 ft., with a maximum permitted height of 130 ft., "but where a building or proposed building confronts a public space or reservation formed at the intersection of two or more streets...the course of which is not interrupted by said public space or reservation, the limit of height shall be determined from the width of the widest street...". (Emphasis added).

As shown on the attached plats, 2030 M Street, NW confronts Reservation 140, which is formed at the intersection of M and 21<sup>st</sup> Streets and New Hampshire Avenue, NW. The courses of these three streets are not interrupted by Reservation 140. The records of the District of Columbia indicate that M Street and 21<sup>st</sup> Street abutting the site are both 90 ft. in width, and that New Hampshire Avenue is 120 ft. in width. Accordingly, per the 1910 Height Act, the maximum permitted height of a building at 2030 M Street is 130 ft. As such, per Section 1709.21 of the Zoning Regulations, the maximum permitted FAR on the site, using TDR's, is 10.0.

I also note that Section 1709.22 states that "in the New Downtown receiving zone, the height of a receiving building may not be measured from a point that fronts on New Hampshire

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Avenue, NW." This section does not affect the ability to use the width of New Hampshire Avenue to determine the maximum permitted height on this site per the 1910 Height Act. Rather, it applies only to the location from which the building height can or cannot be measured. The point of measurement for the subject building can be located on either M Street or 21<sup>st</sup> Street, but not New Hampshire Avenue. Therefore, this provision does not apply to this site.

Please feel free to contact me with any questions

Sincerely, Matthew Le Grant

Matthew Le Grant  
Zoning Administrator

Attachments