

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



April 18, 2011

Ms. Allison Prince, Esq.
Goulston & Storrs
1999 K Street NW, Suite 500
Washington, DC 20006

RE: 601 Massachusetts Avenue NW (Square 484W, Lots 21, 23, 24, 801, 814, 815, 819, 821, 822, & 823)

Dear Ms. Prince:

This letter confirms the issues we discussed with you on February 18, 2011 relating to a proposed new office and retail building at 601 Massachusetts Avenue NW ("Property"). During this meeting, we discussed the applicable development standards for the proposed building.

I understand that the Property occupies the entirety of Square 484W except for a small federal reservation at its western point. The Square is triangular in shape and is bounded by K Street NW to the north; Massachusetts Avenue NW to the south; 6th Street to the east; and 7th Street NW to the west. The federal reservation separates the Property from 7th Street NW. I also understand that the proposed building will occupy the entirety of the Property and will front on Mount Vernon Square, which is directly across 7th Street NW from the site. Further, I understand that the proposed building will attain a height of 130 feet and will be set back from Mount Vernon Square and Massachusetts Avenue for the portion of the building above 110 feet.

The proposed building will be located in the DD/MVT/C-3-C Zone District. The office and retail building may be constructed as a matter-of-right as long as the residential requirement is satisfied through a Combined Lot Development Agreement. The building may attain a height of 130 feet, provided that it is setback at a 45° angle for the portion of the building above 110 feet and fronting on Mount Vernon Square and Massachusetts Avenue. The building may achieve a maximum FAR of 10.0, provided that the Property receives sufficient Transferrable Development Rights ("TDRs"). In addition, the proposed building may occupy 100% of the lot. The building need not provide a rear yard on the site since the Property abuts more than three (3) streets, so the rear yard may be measured from the center line of the street abutting the lot at the rear of the building. Side yards are not required. Parking is required at the rate of one (1) parking space for each 1,800 gross square feet of space in excess of 2,000 square feet (office use) and one (1) parking space for each 750 square feet of gross floor area in excess of 3,000 square feet (retail use). Also, an office building with more than 200,000 gross square feet must have

three (3) loading berths at 30 feet deep, two (2) loading platforms at 100 square feet, and one (1) loading space at 20 feet deep.

The MVT Overlay imposes additional design and use requirements that must be satisfied for the proposed building to be permitted as a matter-of-right. At least 50% of the gross floor area of the ground floor must be devoted to the uses listed in Sections 1732.2 and 1732.4 of the Zoning Regulations. The proposed building must comply with the streetwall design requirements stated in Sections 1722.2 – 1722.5 of the Zoning Regulations (e.g., display windows, glass type, entrances, and minimum floor-to-ceiling height). Also, a driveway is not permitted on K Street, and no more than two (2) driveways each are allowed on Massachusetts Avenue and 6th Street as long as the driveways on each street are separated by at least 60 feet.

I have determined that the height of the building may be measured from the midpoint of the Property's 7th Street frontage even though the Property is separated from 7th Street by the reservation. First, the Act to Regulate the Height of Buildings in the District of Columbia ("Height Act") (D.C. Official Code §§ 6-601.01 to 6-601.09) permits the measuring of building height from a street that is separated from a building by a reservation. D.C. Code § 6-601.05(a) states, "[Where] a building or proposed building confronts a public space or reservation formed at the intersection of 2 or more streets, avenues, or highways, the course of which is not interrupted by said public space or reservation, the limit of height of the building shall be determined from the width of the widest street, avenue, or highway." I interpret this provision to mean that building height may be based on a street that is separated from a building by a reservation. Thus, the proposed building height may be based on 7th Street frontage since the building will confront a reservation formed by the intersection of more than two streets and the reservation is not interrupted by any streets.

As further support for my position, I note that the proposed building will front on Mount Vernon Square for purposes of Section 1701.7, which requires a setback above 110 feet. Even though a reservation separates the Property from 7th Street and Mount Vernon Square, the proposed building will still front on Mount Vernon Square, and, thus, 7th Street. Since the proposed building will have 7th Street frontage for setback purposes, it follows that it will also have 7th Street frontage for building height purposes.

The measuring point for the proposed building's height should be the midpoint of the sidewalk opposite the building's western façade (see attached plat). D.C. Code § 6-601.07 states, "[Height] of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof."

Sincerely, 
Matthew Le Grant
Zoning Administrator