

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



April 18, 2011

Mr. Cary Kadlecek, Esq.
Goulston & Storrs
1999 K Street NW, Suite 500
Washington, DC 20006

RE: 82 I Street SE (Square 695, Lot 32) – Determination of Street Frontages for 1910 Height Act Purposes

Dear Cary Kadlecek:

As we discussed during our March 24, 2011 meeting, this letter addresses the issue of the permissible building height for development at 82 I Street SE (Square 695, Lot 32) (“Property”). The Property is bounded by New Jersey Avenue SE, I Street SE, and a vacant parcel. A plat depicting the Property is attached to this letter. The Property 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 and a maximum floor area ratio (FAR) of 6.5 as a matter-of-right.

11 DCMR 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 of 130 feet.

Based on my review of the attached plat, I find that the Property has frontage on New Jersey Avenue SE, which has a right-of-way width of 160 feet. Therefore, 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 New Jersey Avenue SE, I find that the Property has an unobstructed line of sight to the portion of New Jersey Avenue that

April 18, 2011
Page 2

has a street width of 160 feet and is merely across the intersection of New Jersey Avenue SE and I Street SE from the Property.

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

Sincerely, 

Matthew Le Grant
Zoning Administrator

Attachment

cc: Gary Goodweather, OTO Development
Richard Bell, manager of New Jersey Ave. & I St. S.E. Assoc. LLC