

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



June 14, 2016

Phil Feola, 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. Feola:

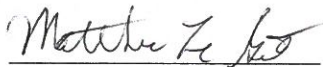
As discussed during our June 6, 2016 meeting, this letter addresses the issue of the permissible building height for development on the North side (Square 5860, Lots 1025, 1026, 1027, 1028, 1029, 1030, 1037 and 1036) of Howard Road, S.E. abutting the Anacostia Freeway ("Property"). Anacostia Park is 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, I find that the Property has frontage on the Anacostia Freeway, which has a right-of-way width of at least 130 feet. (see Exhibit B) 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 the Anacostia Freeway, S.E., I find that the Property abuts and has unobstructed line of sight to the portion of the Anacostia Freeway, S.E. 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

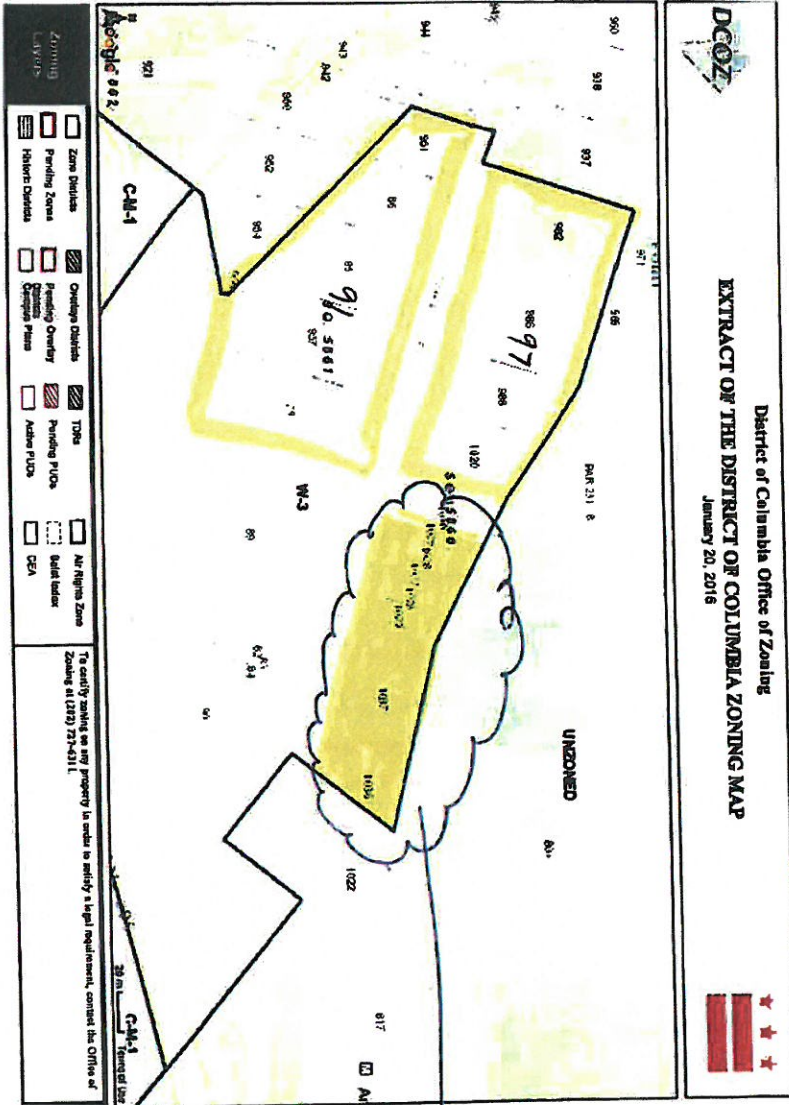
Attachments: Exhibits A and B

File: Det Let re Howard Rd SE Bldg Height to Feola 6-14-16

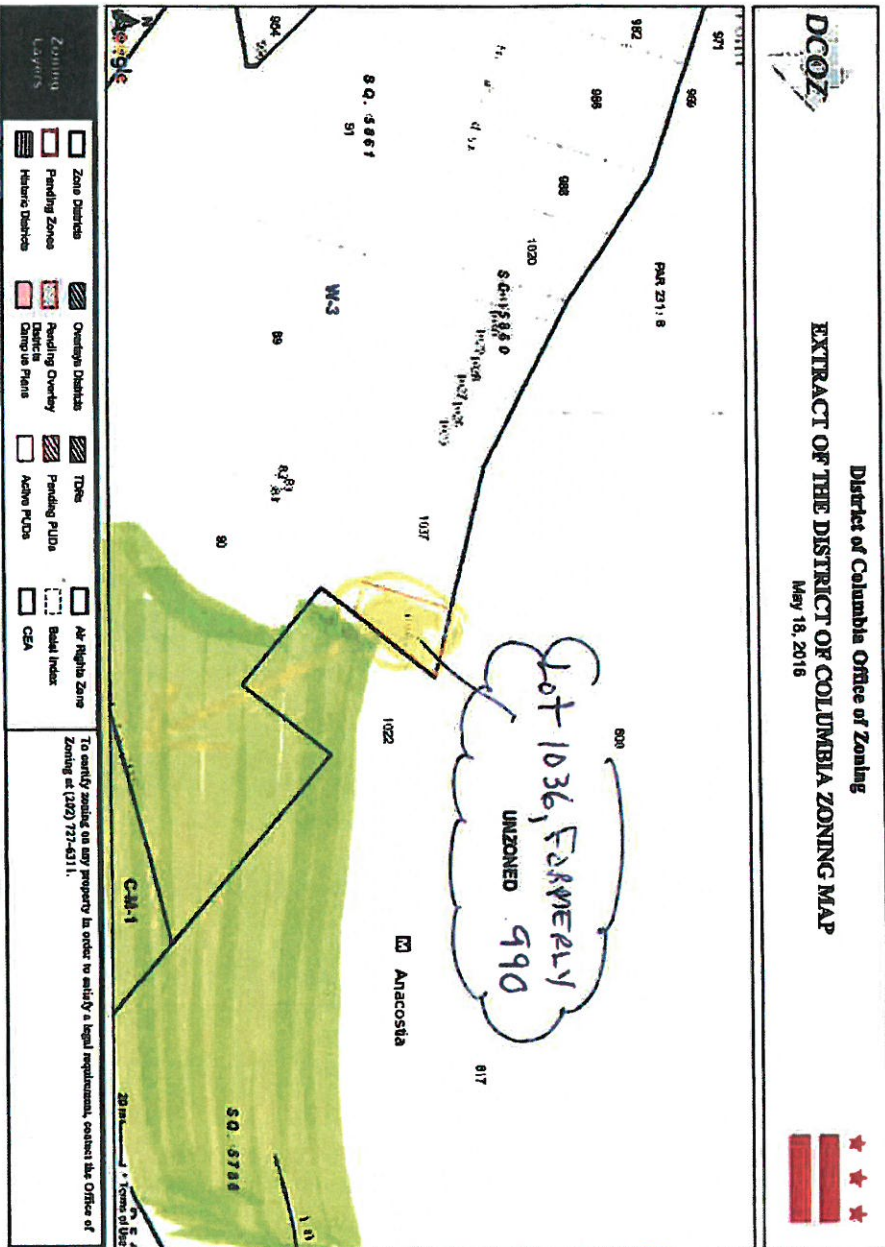
1100 4th Street, SW 3rd Floor Washington, D.C. 20024

Phone: (202) 442-4576 Fax: (202) 442-4871

EXHIBIT A

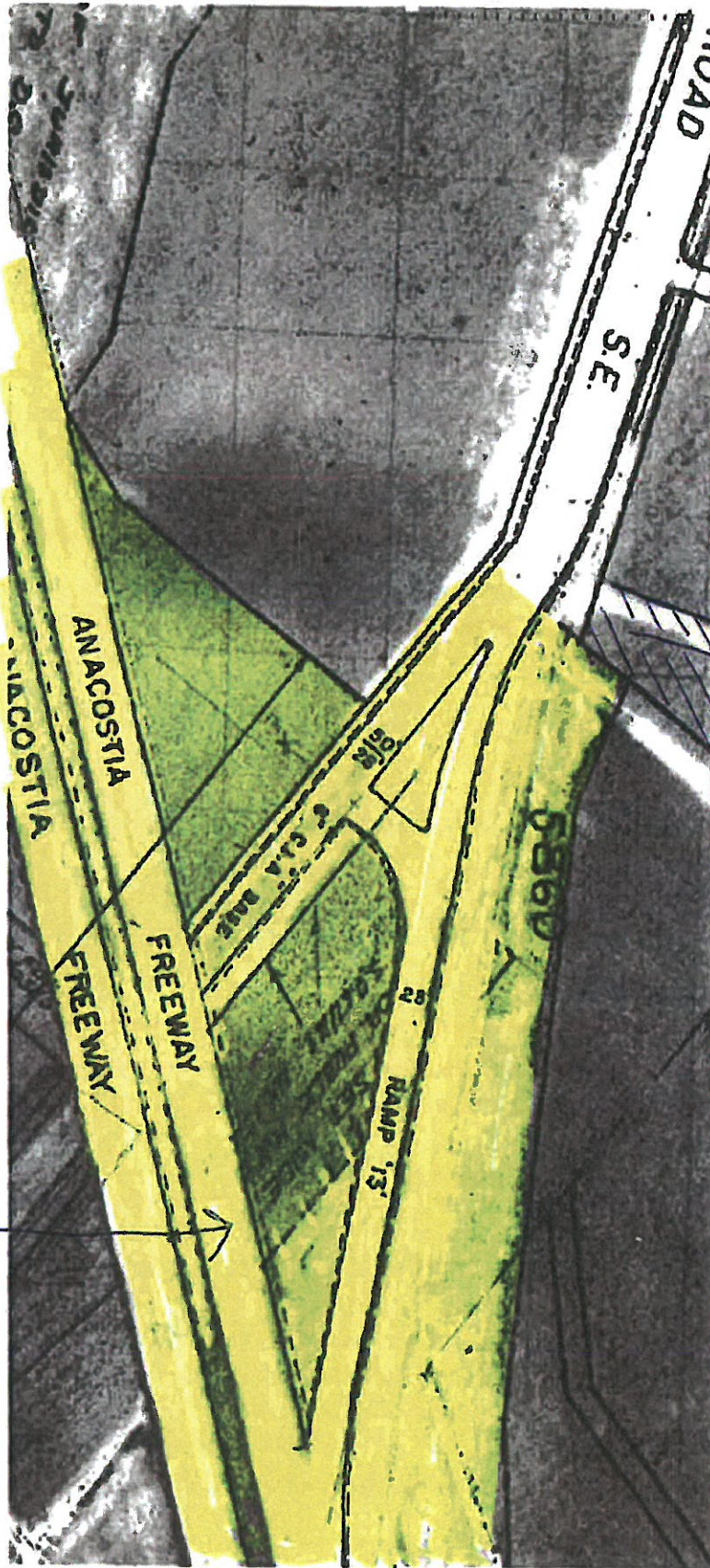


PROPERTY



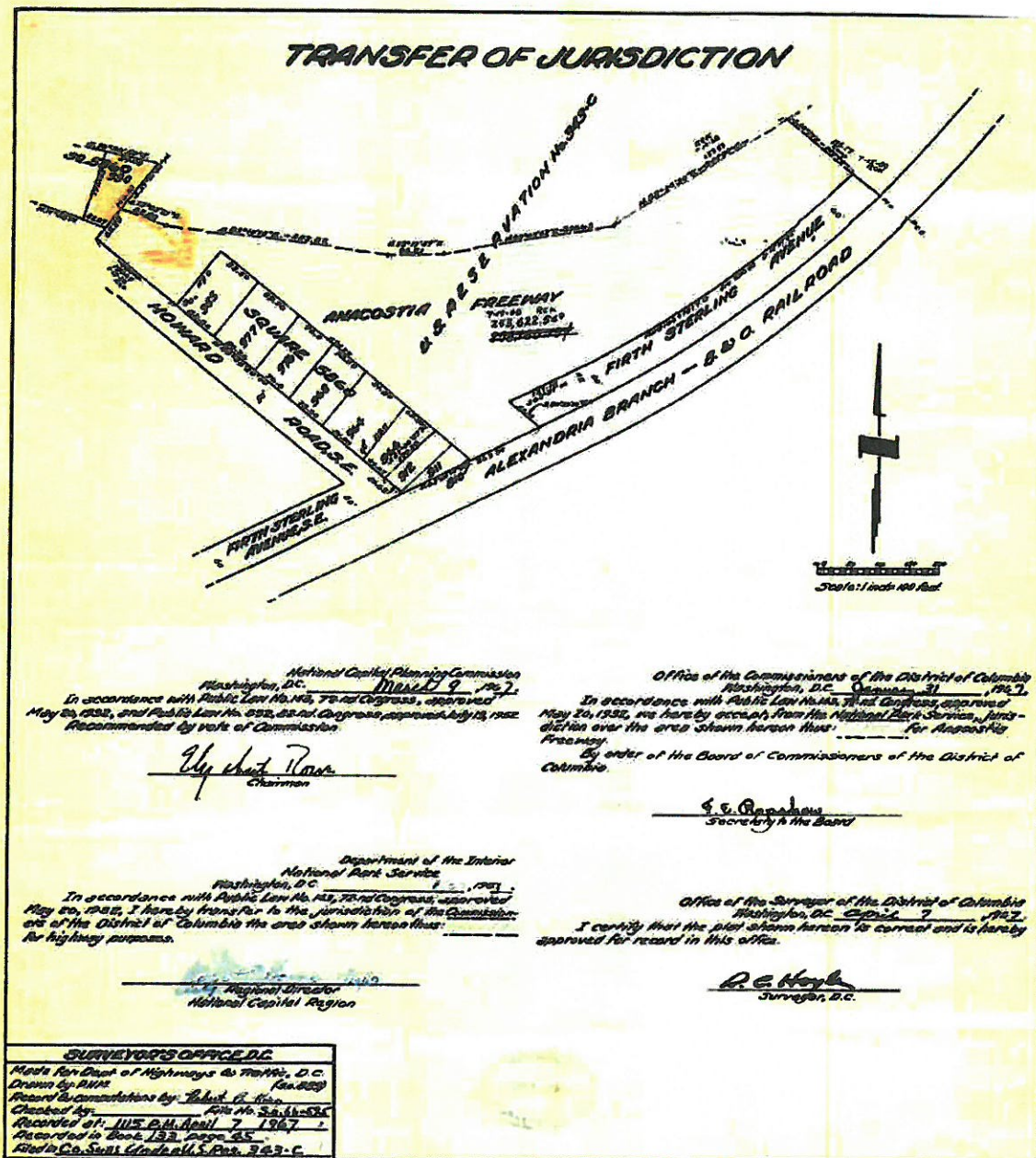
ANACOSTIA FREEWAY
R.O.W.

Exhibit A-3



SQUARE 5860
Lot 1036, FORMERLY LOT 990

ANACOSTIA FREEMAY R.O.W.



Office of the Commissioner of the Landry, Charles
Washington, DC April 27
The District of Columbia during the month of April 1865,
1864, 1865 and 1872. Some 2000, it is hereby
certified that the great amount of "..." we do
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certified by the District of Columbia, and
by the District of Columbia, and the District of Columbia

J. E. Randolph
Secretary to the Board

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**LAND SET ASIDE
FOR PUBLIC HIGHWAY.
SQUARE 5860**

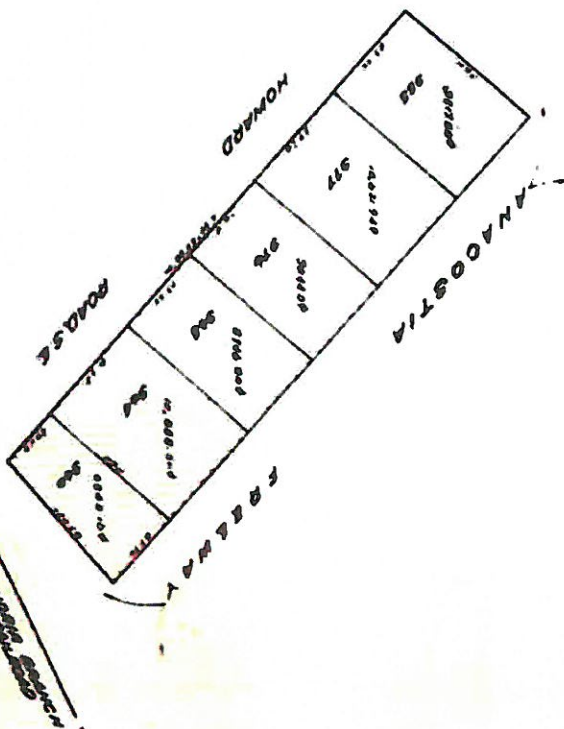
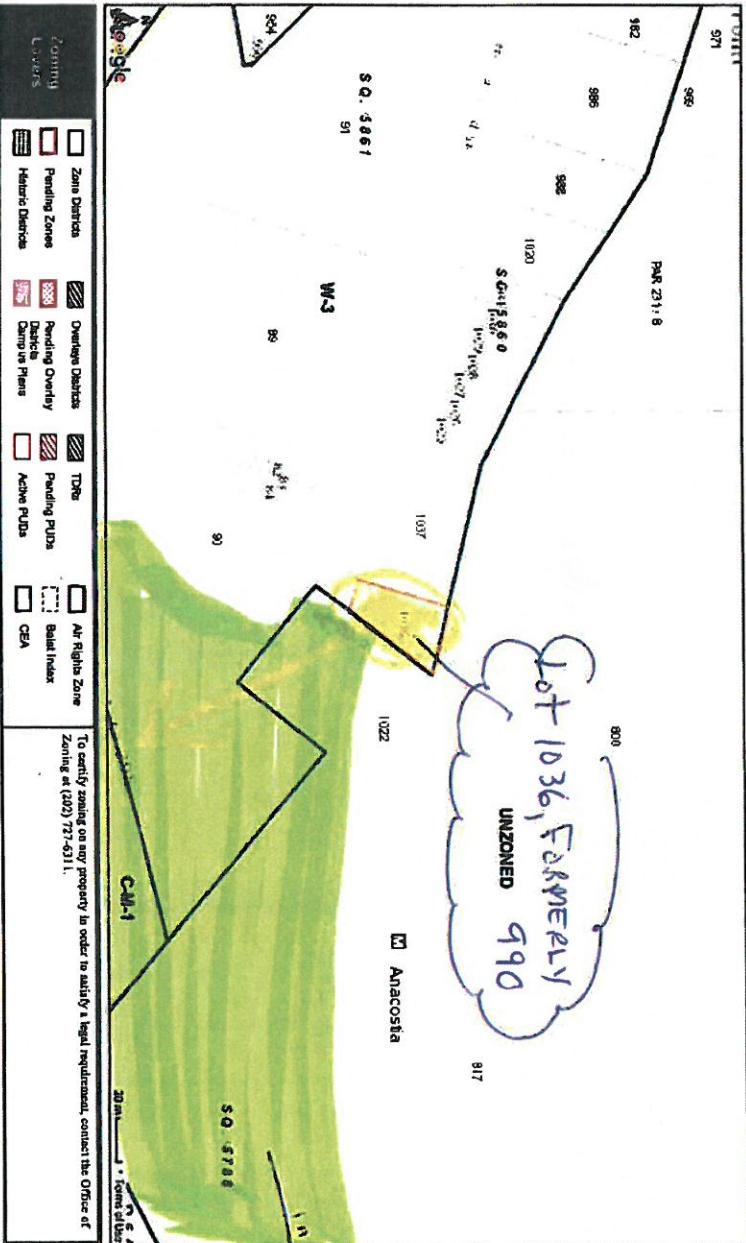


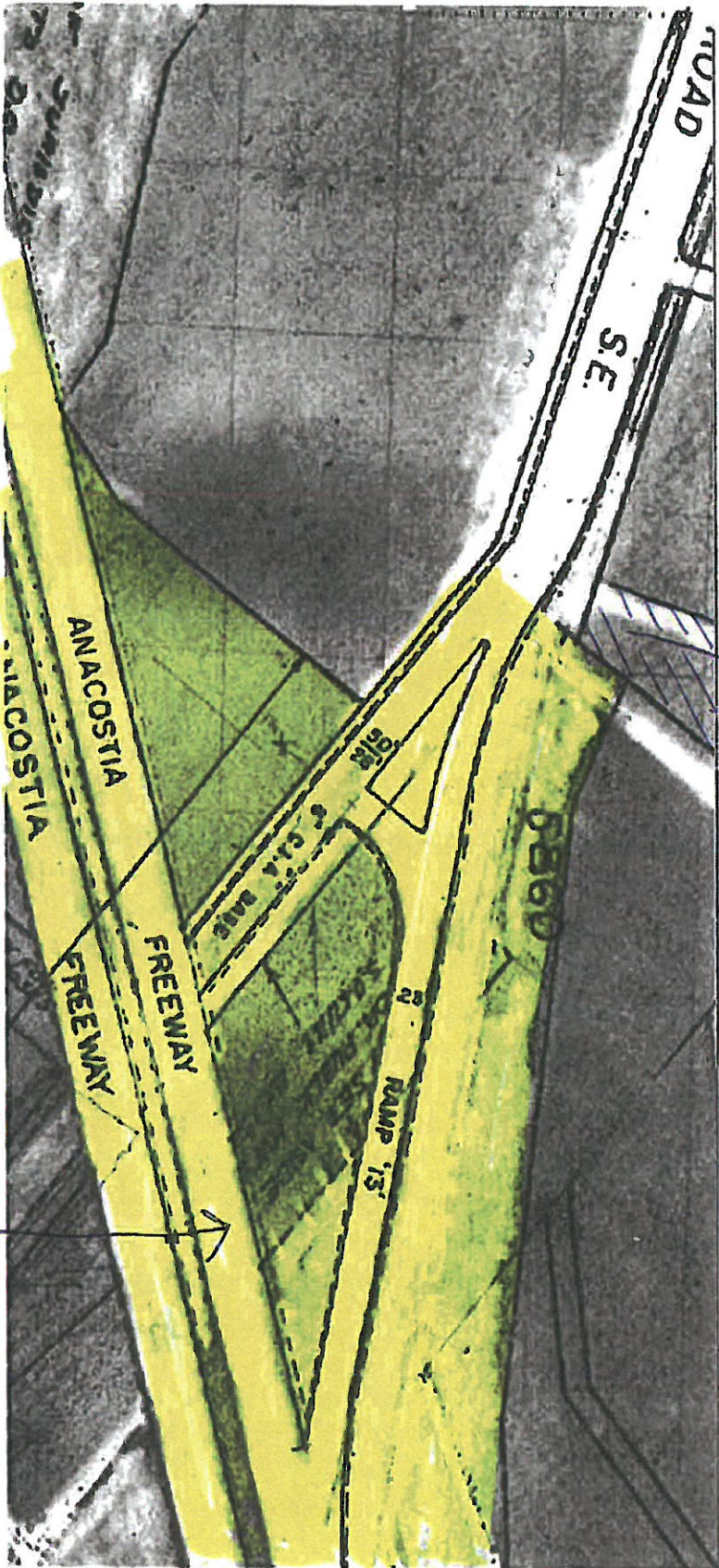
EXHIBIT B



District of Columbia Office of Zoning
EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP
May 18, 2016



ANACOSTIA FREEWAY
R.O.W.



SQUARE 5860
Lot 1036, FORMERLY LOT 990

ANACOSTIA FREEWAY R.O.W.