

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



December 22, 2011

VIA EMAILED PDF AND US MAIL

Norman M. Glasgow, Jr.
Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. - Suite 100
Washington, D.C. 20006

Re: 901 North Capitol Street, N.E.

Gentlemen:

This is to confirm the substance of our discussions on Thursday, September 22, 2011, and Thursday, October 27, 2011, concerning the development of the above-referenced property located on the east side of North Capitol Street between H and K Streets, N.E. The property which is proposed to be developed is Lot 852 in Square 675, which consists of the open plaza space between the existing buildings at 825 (now known as 899) and 941 (now known as 999) North Capitol Street. Lot 852 is an Assessment and Taxation lot. Lot 852 and A&T Lot 851 comprise record lot 292 in Square 675. The building at 899 North Capitol Street is located on record lot 117 in Square 676, which is contiguous with the subject property. The three lots are zoned C-3-C and are included in the North Capitol Receiving Zone for the use of transferable development rights (TDRs).

Pursuant to §1709.21 of the Zoning Regulations, the North Capitol Receiving Zone permits the maximum height allowed under the Act of 1910. Because North Capitol Street is 130 feet wide, the maximum permitted height is 130 feet. For a building permitted to go to 130 feet in height, the maximum permitted floor area ratio (FAR) is 10.0.

In a letter dated July 14, 2011, I concluded that a new building on the open portion of the property, whether built as a separate building or as an addition to the existing building or buildings, may be built to a height of 130 feet as long as 6,667 square feet of TDRs remain on the property without the acquisition of any additional TDRs. That letter described in detail the history of rulings governing TDRs and explained my rationale for allowing the maximum height based on the use of the TDRs that had been assigned to the site.

You have now advised that the building addition on the plaza area is proposed to be attached and connected to both the buildings at 999 and 899 North Capitol Street. Solid covered

connections above the level of the ceiling of the first floor will be open to allow pedestrian passage below and will be sufficient to make the buildings one building for zoning purposes.

This will require that all the property be subdivided into a single lot of record. The 6,667 square feet of TDRs which were transferred to record lot 292 by a Certificate of Transfer of Development Rights, dated October 29, 2001, recorded as Instrument No. 2001123636 on December 21, 2001, and effective as of December 21, 2001, will end up on the new record lot. The total lot area of the new lot will be approximately 137,574 square feet.

You have provided information to me indicating that the existing building on lot 851 (999 North Capitol Street) contains approximately 311,165 square feet of gross floor area (GFA), based on a Zoning Computation Sheet 72-294. Based on a survey and other information regarding the footprint of the building on lot 117 (899 North Capitol Street) expanded over 9 floors with certain deductions assumed for the garage ramp, shafts, mechanical rooms and other items not included in GFA, that building is estimated to contain approximately 312,657 square feet of GFA. The total existing GFA is therefore approximately 623,822 square feet.

You advised that the proposed new building would contain approximately 272,173 square feet of GFA and the connections to the two existing buildings would contain approximately another 1,500 square feet, for a total of approximately 273,673 square feet of GFA in new construction. The resulting total GFA on the site would be approximately 897,495 square feet. The design is still not final and the GFA numbers may change slightly.

Based on a lot of area of 137,574 square feet, the GFA permitted by the base 6.5 FAR is 894,231 square feet. The new building would therefore use 3,264 of the TDRs now assigned to the lot. Assuming that the 6,667 square feet of TDRs already assigned to Lot 292 will remain on the lot, even though only 3,264 square feet are proposed to be used for the building as proposed, I conclude that the combination of the two existing buildings with a meaningful connection through the addition will form a single building for zoning purposes and that the building may be built to a height of 130 feet.

We also reviewed the open spaces which will surround the combined building. The property is a corner lot in a C-3-C District. No side yard is required. Pursuant to §774.9(c), a court complying with the width requirements for a closed court may be provided in lieu of a rear yard. The property would provide no rear yard but would include a series of courts.

At the first floor level, the courts are interrupted by the two new building connections and by an existing cooling tower located on the east side of the 999 Building. This creates a series of four courts, all of which will be about 20 feet high and all of which will be wide enough to meet the minimum width requirement of three inches per foot of height. Three of the courts will open onto North Capitol or K Street and would be open courts. The fourth court would be a closed court located behind the connections and the cooling tower and would not open onto a street. That court would meet the minimum area requirement for a closed court based on the height of the court.

December 22, 2011

Page 3

Above the top of the connections and the cooling tower, the open space wrapping around the three parts of the building would form an additional single open court. Assuming that the height of the building would ultimately be 130 feet for all portions of the building, the height of the court would be approximately 110 feet and the minimum required width would be 27.5 feet. The distance between the 901 addition and the existing 899 and 999 buildings is 27 feet, 9 1/2 inches and the space between the east wall of the 901 addition and the east property line is 20 feet. You demonstrated to me that circles having diameters in excess of 33 feet can be inscribed at the corners where the legs of the court intersect, for which such irregularly shaped courts is how the minimum court width is determined. A copy of a diagrammatic site plan showing the above grade connections and courts and inscribed circles is attached. I conclude that courts meeting those dimensions as set forth above would comply with the minimum width and area requirements of the Regulations.

Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment: Gensler Zoning Study, 901 North Capitol Street, October 19, 2011