

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



March 1, 2013

Norman M. Glasgow, Jr.  
Steven E. Sher  
Director of Zoning and Land Use Services  
Holland & Knight LLP  
800 17<sup>th</sup> Street, N.W. - Suite 1100  
Washington, D.C. 20006

Re: Permitted Height under the Act of 1910 for Channing Place, NE Property

Gentlemen:

This is to confirm the substance of our discussion on Wednesday, December 5, 2012, concerning the combined application of the provisions of the Act of 1910 and the Zoning Regulations governing the maximum height of buildings. This discussion had specific reference to property located on Channing Place west of 9<sup>th</sup> Street, N.E., including lots 74, 854, 855, 857 and 858 in Square 3846. The property is zoned C-2-C, per Zoning Commission Order No. 10-30, effective October 12, 2012. The C-2-C District permits a maximum height of 90 feet.

As shown on the building plat, dated May 10, 2006, and the Existing Conditions plat, prepared by Dewberry & Davis LLC, four of the five lots front on Channing Place and the fifth lot fronts on 9<sup>th</sup> Street. Copies of those two plats are attached. For the purpose of your inquiry and the ruling set forth in this letter, I have assumed that the five lots would be consolidated into one record lot.

Channing Place is a dedicated public street that, in this area, extends approximately 240 feet west from 9<sup>th</sup> Street. For the first 200 feet, the plats show that the street is 40 feet wide in the north-south direction. For the westernmost 40 feet, the plats show that the street widens to 60 feet in the same north-south direction. The existing layout of Channing Place is shown on the attached aerial photograph.

The Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910, is codified in the D.C. Official Code in §§ 6-601.01 through 6-601.09. Section 6-601.05(a) provides that:

"No building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet ..."

There are many circumstances where the width of a street changes in the course of the street. Examples include Virginia Avenue in Southwest (which is variously 30 to 160 feet wide), New

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Jersey Avenue in Southeast (which is variously 40 to 160 feet between M Street and the railroad tracks), 1<sup>st</sup> Street in Northeast (which is 60 to 110 feet wide between Columbus Circle and Florida Avenue) and 6<sup>th</sup> Street in Northwest (which is 100 feet wide but widens to 110 feet wide between F and G Streets). It has been the policy of this office to compute the height permitted by the Act of 1910 based on the widest portion of the street in front of the property on which the building is to be constructed. In this case, the Act allows a maximum height of 80 feet.

Since you are required to comply with the more restrictive of the height allowed under the Zoning Regulations and the height allowed under the Act of 1901, I conclude that a building to be constructed on the subject property may be built to a maximum height of 80 feet, measured from the middle of the front of the building on the street which affords the greater height. Please let me know if I may be of further assistance.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments