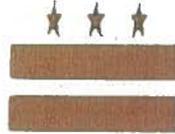


GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



May 29, 2012

Christopher Collins
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. - Suite 100
Washington, D.C. 20006

Re: Gonzaga Tennis Court Site -- Square 622 -- Proposed Development

Dear Mr. Collins:

This letter is a follow-up to our meeting on March 15, 2012 regarding the proposed development of the Tennis Court site owned by Gonzaga College High School. The Gonzaga campus (known as Lot 91 in Square 622) fronts on North Capitol, H and K Streets, NW, and a portion of Eye Street dead ends into the campus on the west. The Tennis Court site abuts the north side of H Street, NW, to a depth of 127 ft. north of H Street and is zoned C-3-C. Your client proposes to acquire a ground lease of the Tennis Court site from Gonzaga and to apply to the Zoning Commission to develop the site as a PUD at a height of 130 ft, and 8.0 FAR. In order to build to 130 ft., the Tennis Court site will need to have frontage on a street that is at least 110 ft. wide. H Street is 90 ft. wide, and North Capitol Street is 130 ft. wide. In order to obtain frontage on North Capitol Street, your client proposes to create a pipestem lot extending to North Capitol Street as shown on the attached drawing. As shown on the attached zoning certification, the portion of the Gonzaga campus that is north of the Tennis Court site, including the proposed pipestem portion, is zoned R-4 and C-2-A. Assuming that the Gonzaga Tennis Court site and the pipestem portion of the Gonzaga campus were in single ownership as of May 12, 1958, your client also proposes to use the pipestem portion as the required rear yard, and to transfer density from the pipestem portion to the C-3-C portion of the development under Section 2514.1 of the Zoning Regulations.

1910 Height Act

The 1910 Height Act has several provisions which, taken together, allow a building that fronts on more than one street to use either front for purposes of calculating and measuring the building height. DC Code Section 5-405(a) states that "No building shall be erected...in any manner so as to exceed in height above the sidewalk the width of the street...increased by 20 ft." Section 5-405 (b) states that "No building shall be erected...as to exceed the height of 130 feet on a business street...". Section 5-407 states that "For the purposes of Sections 5-401 through 5-409 the 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. If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height." It is clear from these provisions, taken together, that

one street may be used to establish the maximum permitted height, while the other street may be used as the point of measurement.

It is my view that if the Tennis Court site and the pipestem portion are placed together in one lot (which may or may not be a Record Lot), for development of a building on the Tennis Court site, then the frontage on North Capitol Street will be sufficient to allow the building to be built to 130 ft., and that the building height can be measured from H Street.

Section 2514.1

Assuming that the Tennis Court site and the pipestem portion were in single ownership as of May 12, 1958, then it is my view that if those portions of the property are combined into a single lot (which may or may not be a Record Lot), with the building height measured from H Street, then the rear yard can be located on the pipestem portion, and the entire pipestem portion can be used to calculate the amount of density that is transferred from the R-4 and C-2-A zoned pipestem portion to the C-3-C zoned Tennis Court site.

Please let me know if you have any questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments