

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

August 12, 2015

Via Email PDF



Lyle M. Blanchard  
Greenstein DeLorme & Luchs, P.C.  
1620 L Street, NW, Suite 900  
Washington, DC 20036-5605

Re: 2 I Street, SE – Square 695, Lot 21 (the “Subject Property”)

Dear Mr. Lyle Blanchard:

You followed up and met with me on July 30, 2015 concerning clarification of my determination letter of March 30, 2015. The March 30, 2015 was issued in response to your letter of February 25, 2015, the attached exhibits to that letter and a meeting in my office on January 16, 2015. Based on our recent discussion, I have determined that the maximum height of a building constructed at the Subject Property, which is zoned C-3-C, could be 130 feet as the result of either the Planned Unit Development (“PUD”) process or through the transfer of development rights (“TDRs”).

The record lot for the Subject Property is considered to be adjacent to South Capitol Street due to the permanent use as a public right of way of Lot 804, which benefits Lot 21, due to the development of Lot 804 by the District of Columbia as part of the South Capitol Street right of way with sidewalks, highway signage and retaining wall for I-395 and similar public space improvements. South Capitol Street adjacent to the Subject Property is 130 feet wide. Thus, under Section 6-601.05(a) of the Height Act (maximum height of a building is based on width of adjacent street or avenue plus 20 feet), a building built at the Subject Property could theoretically be 150 feet in height measured from the adjacent grade to the height of the parapet wall on the building's roof. However, under Section 6-601.05(b) of the Height Act a building on the Subject Property is limited to the maximum height restriction of 130 feet. Additionally, under the Zoning Regulations, the C-3-C commercial zone district restricts the maximum height of a building to 90 feet (and a maximum density of 6.5 FAR). However, there are two ways the owner of the Subject Property is allowed to exceed the 90 feet maximum height.

One option to attain additional height is through the PUD process. Under chapter 24 of the Zoning Regulations, the Zoning Commission may grant relief in the form of additional height, density, lot occupancy, side and rear yards, parking, loading, etc. In the C-3-C zone district, the Zoning Commission may allow additional height up to a maximum of 130 feet (and a maximum density of 8.0 FAR) in a PUD case pursuant to Section 2405.1.

The second option is through TDRs. The Subject Property is located in the South Capitol Receiving Zone, an area where excess height and density may be transferred by means of

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a combined lot development ("CLD") evidenced by a declaration of covenants agreement with one or more owners of lot(s) in the Downtown Development ("DD") zone district. Through the TDR process, the Zoning Regulations allow a maximum height of 130 feet as permitted by the Height Act (and a maximum density of 10.0 FAR) pursuant to Section 1709.21.

Based on the above, I conclude that that the maximum height of a building constructed at the Subject Property, which is zoned C-3-C, would be based off of the width of South Capitol Street and could be 130 feet as the result of either a PUD or through TDRs as noted above.

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

Sincerely,   
Matthew Le Grant  
Matthew Le Grant  
Zoning Administrator

- Attachments: A – Zoning Map  
B – Subdivision Plat (5/21/1985) and A&T Plat (5/29/1961)  
C – Deed of 5/3/1961  
D – Plat of Computation (12/10/1957)  
E – Photograph (1/16/2015)

File: Det Let re 2 I St SE to Blanchard 8-12-15