

# Holland & Knight

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To: Matt LeGrant, Zoning Administrator

From: Norman M. Glasgow Jr.

Date: May 8, 2020

Re: 100 V Street SW, Square 609 and 611

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As a part of our virtual meeting of April 14, 2020, we reviewed axonometric plans and architectural sketches showing three options for connecting buildings at the upper levels of the buildings including the penthouse level and also site plan overview and massing development plans, all of which are attached (Attachment A).

After discussion as to building connection and penthouse setback regulations, you determined that any one of the three connection options as depicted and dimensioned would be in compliance with the provisions of 11-C DCMR § 1500 et seq.

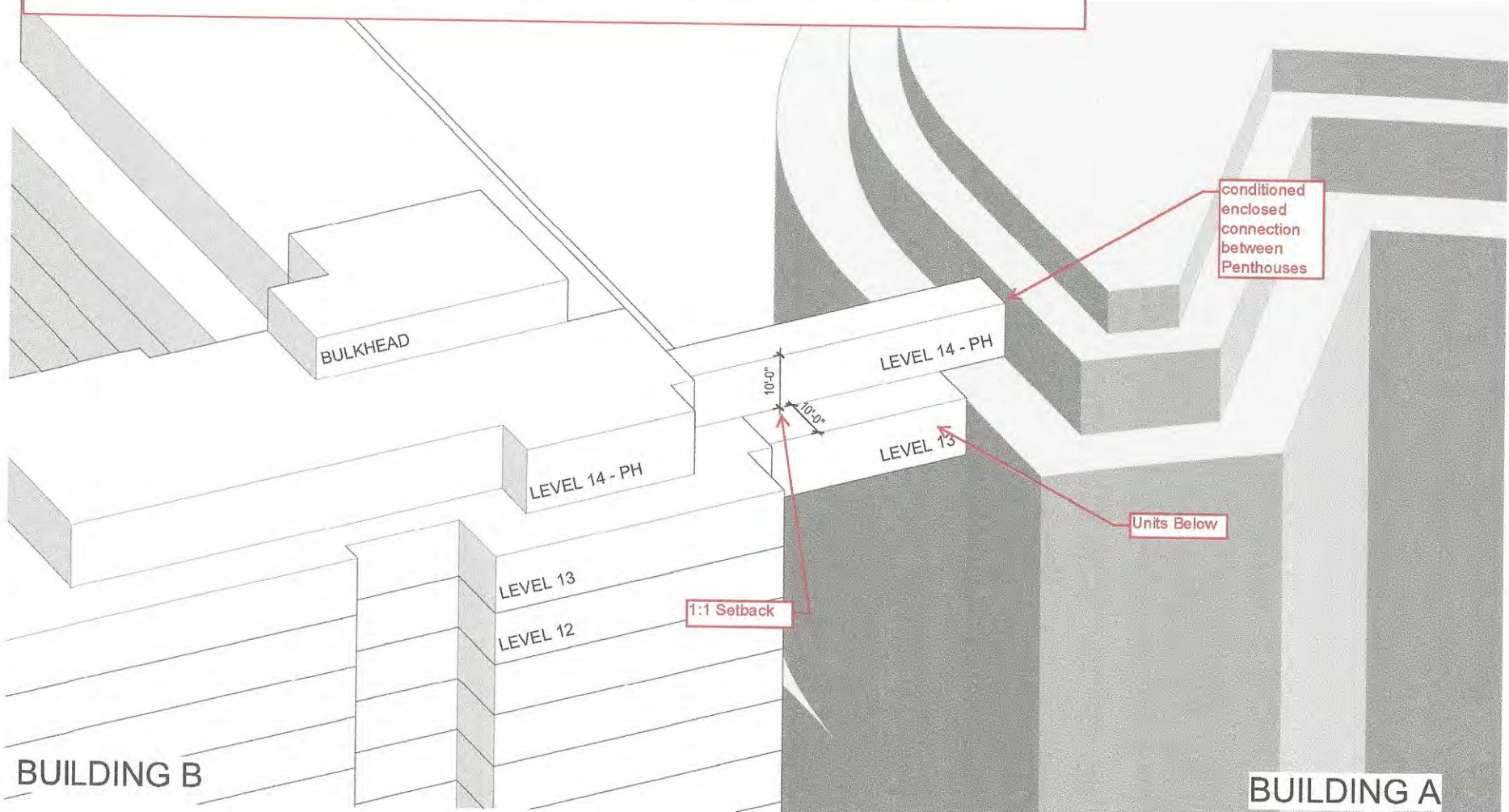
As a part of that discussion you requested, and attached hereto, are drawings (Attachment B) which show that on the interior side of the building connection and penthouse connection that there may or may not be a setback. This would be permitted since such connections on the interior facing sides of the site would constitute closed courts and not open courts. *See* Sheet Numbers 21 and 33 at the lower right-hand corner of the pages. The connection areas facing outward where the setback is required and as shown on the options one through three would be facing toward the public streets and therefore open courts.

Should this summary be in accordance with your understanding and agreement as to the application of the zoning regulations, please respond with an email confirmation.

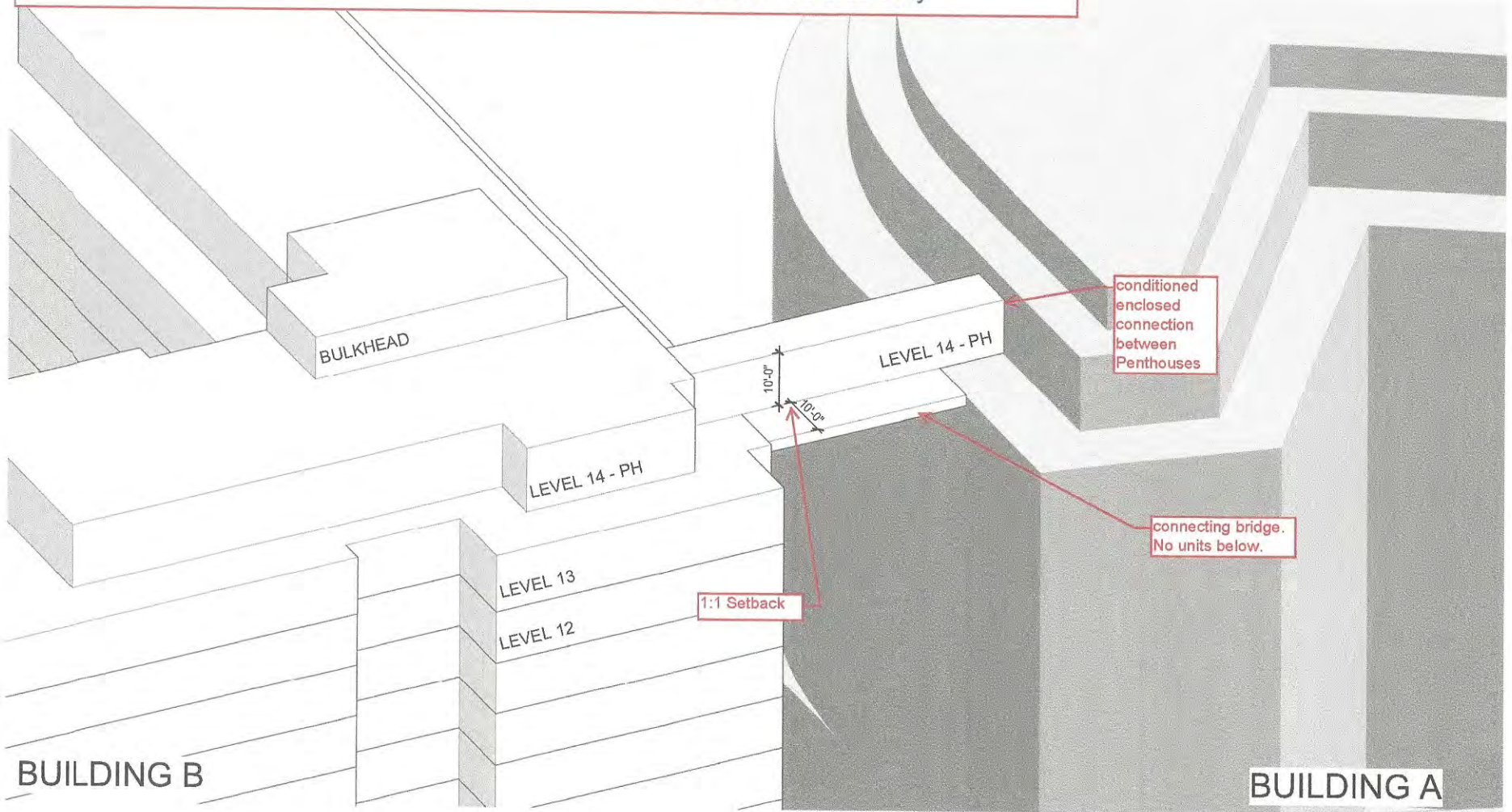
Attachments

# **ATTACHMENT A**

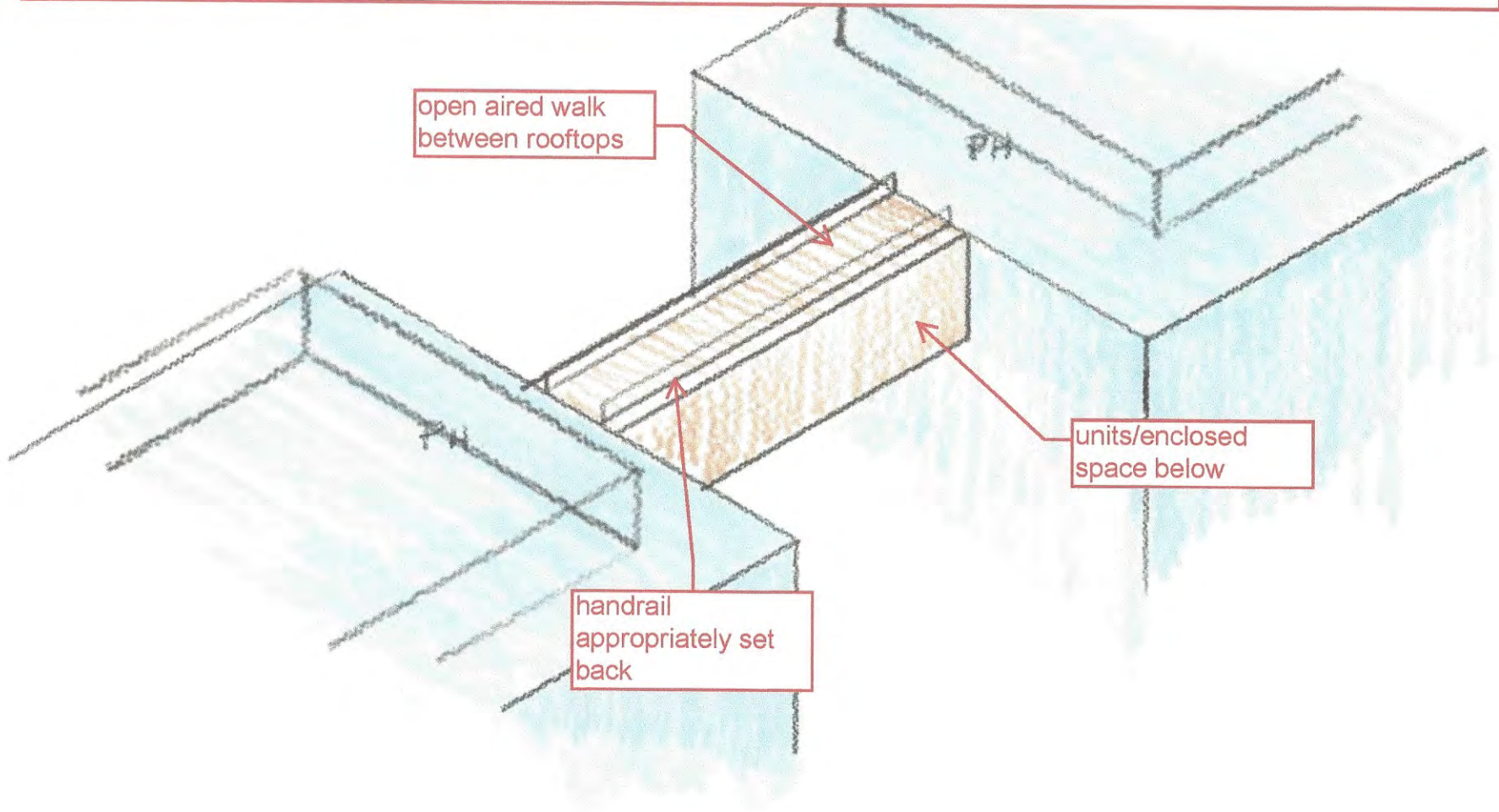
Option 1 - Enclosed Connection at PH level, set back from Level 13 Connection



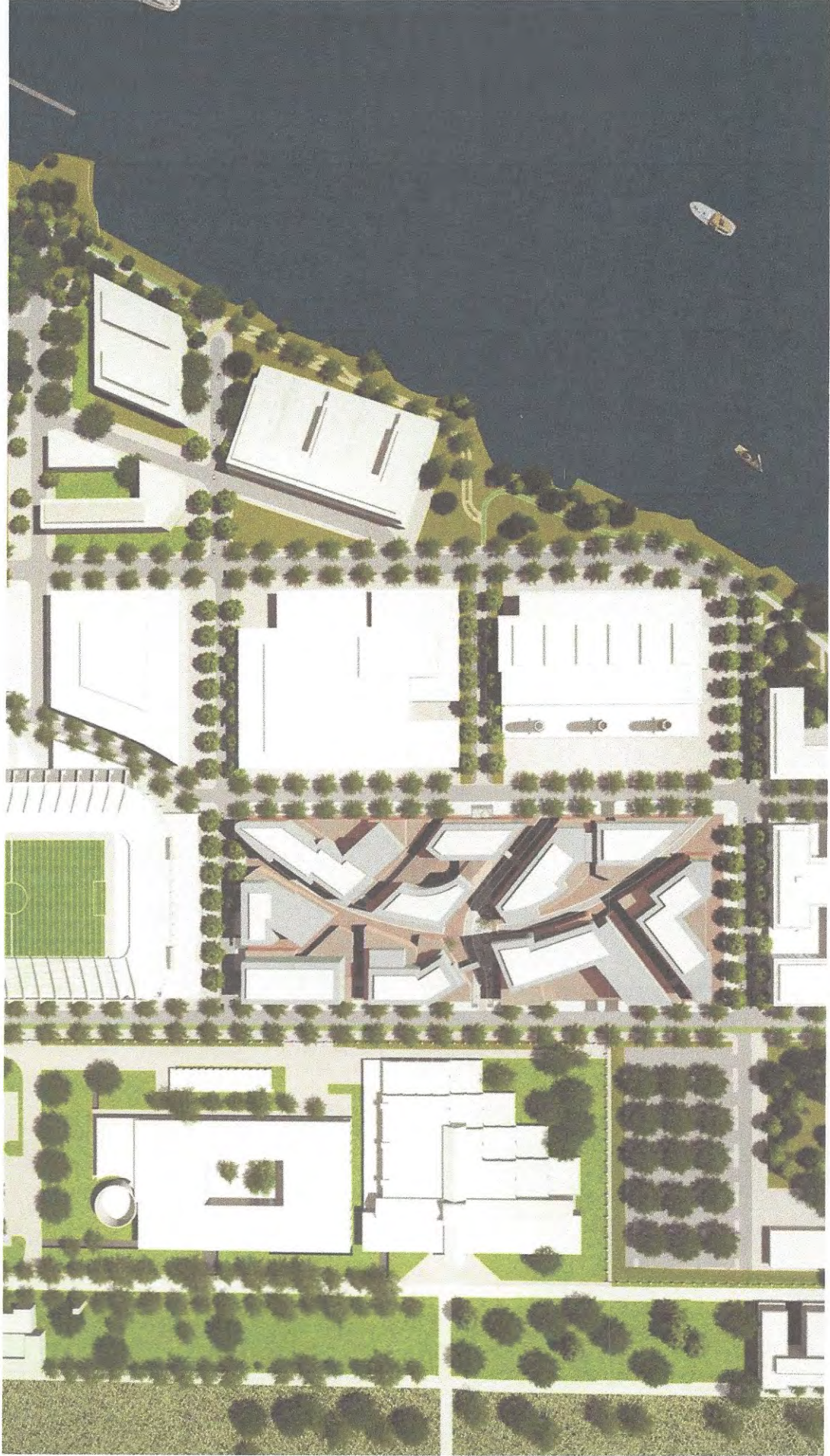
Option 2 - Enclosed Connection at PH level, set back from Level 13 slab only



Option 3 - Enclosed Connection at Level 13,  
open air connection above with guardrails set back

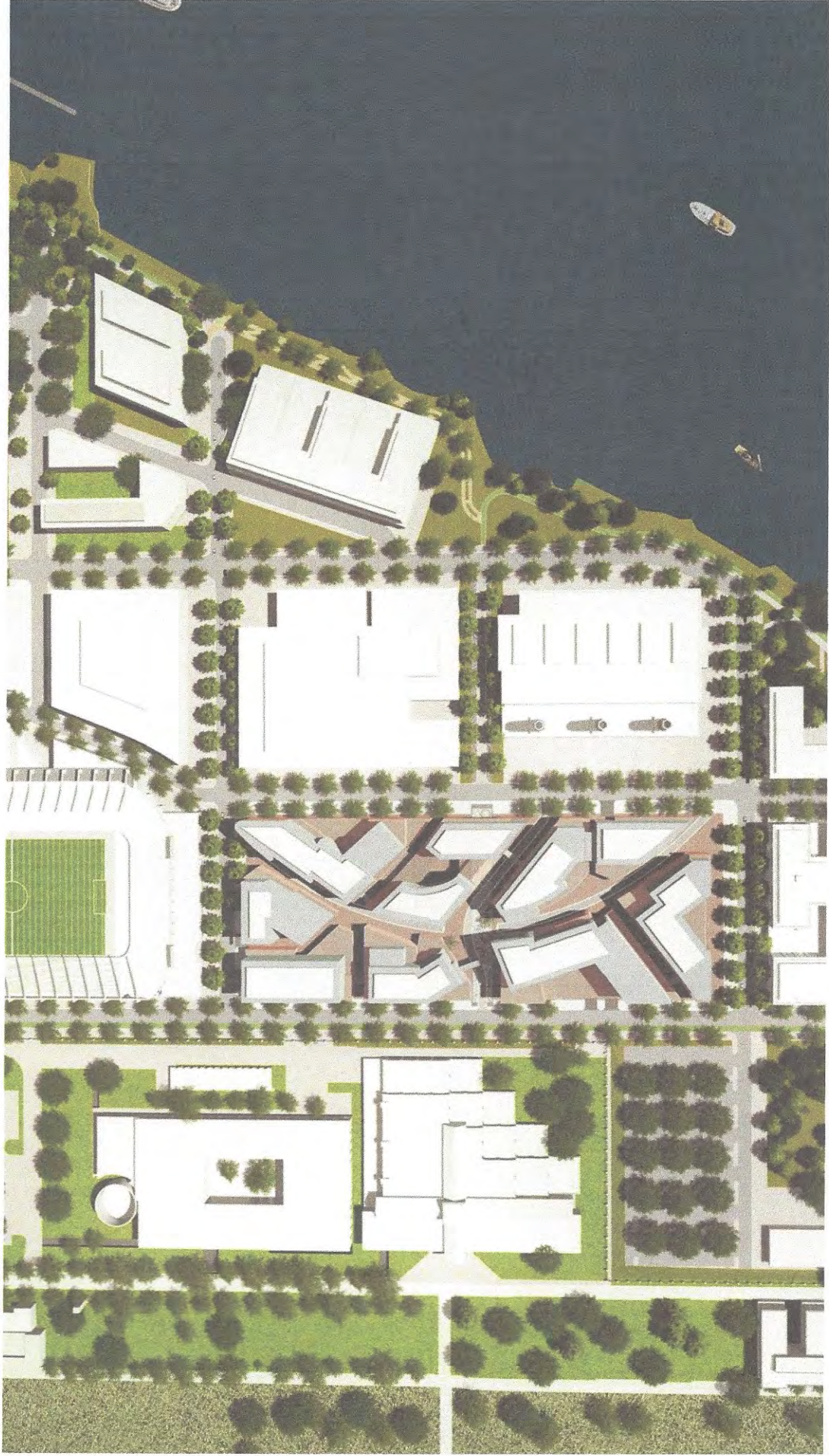


# SITE PLAN OVERVIEW – VISION PLAN

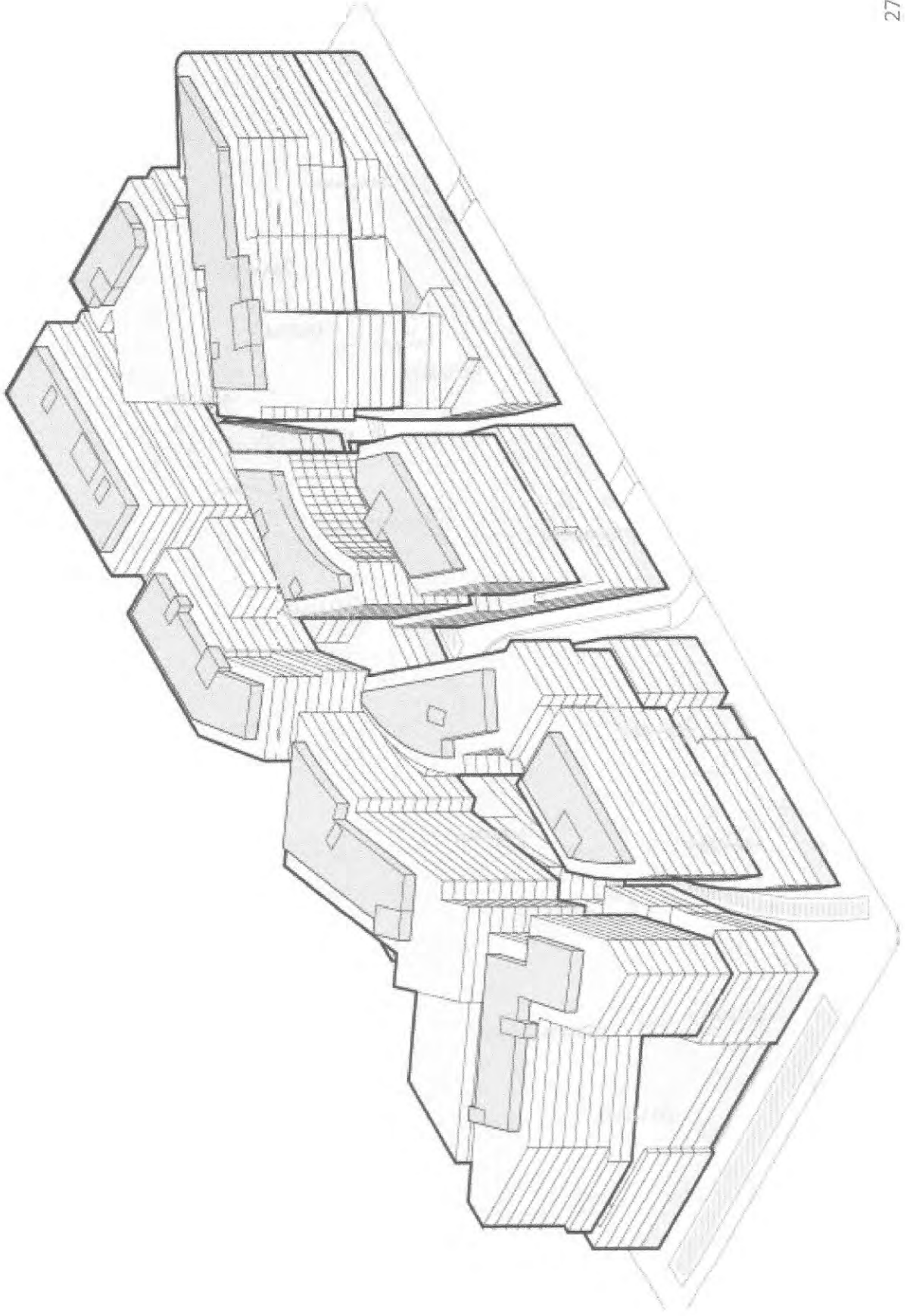


# SITE PLAN OVERVIEW

U-Street more pedestrian oriented street, less traffic driven



# MASSING DEVELOPMENT





# **ATTACHMENT B**

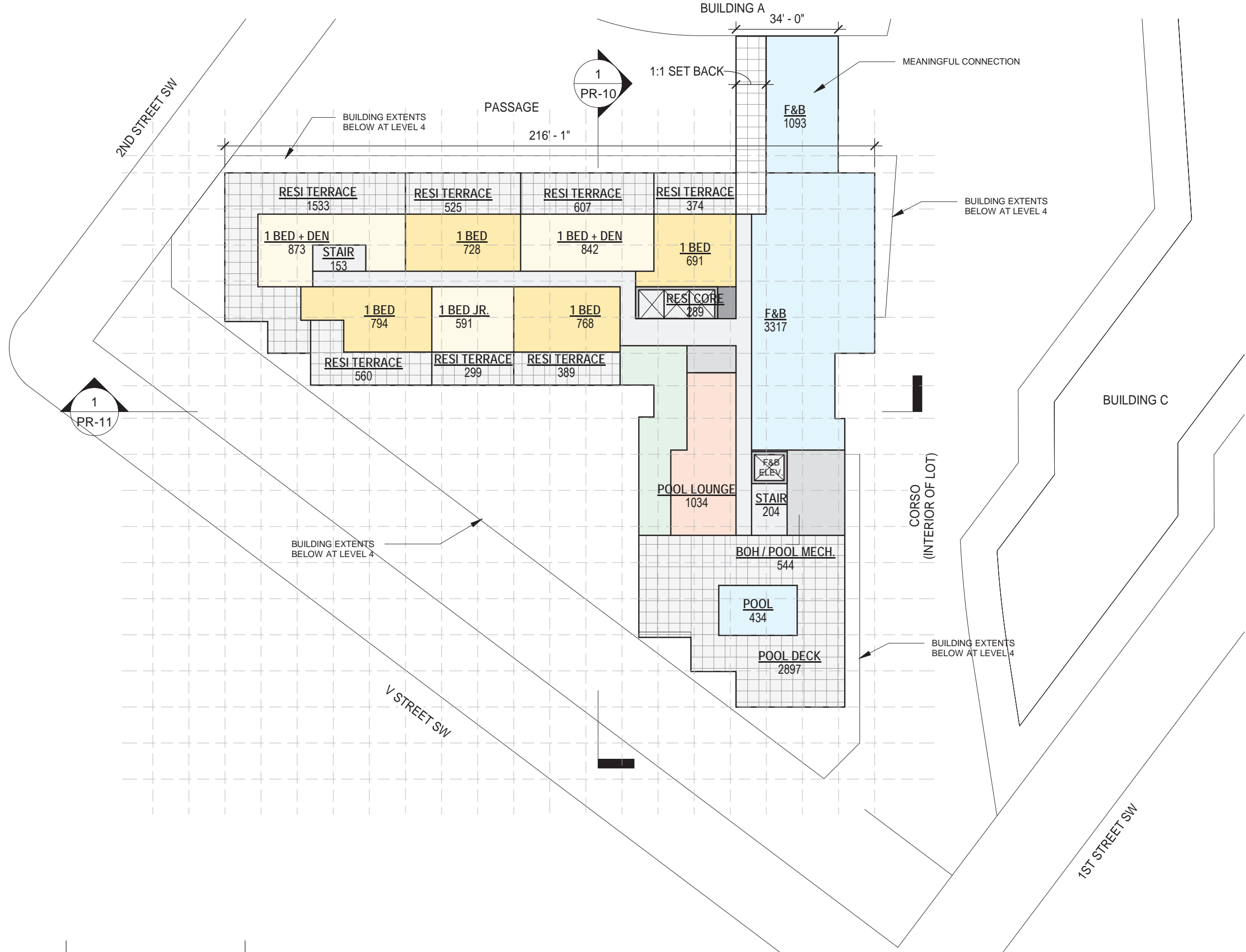
# Building A-B Bridge Studies

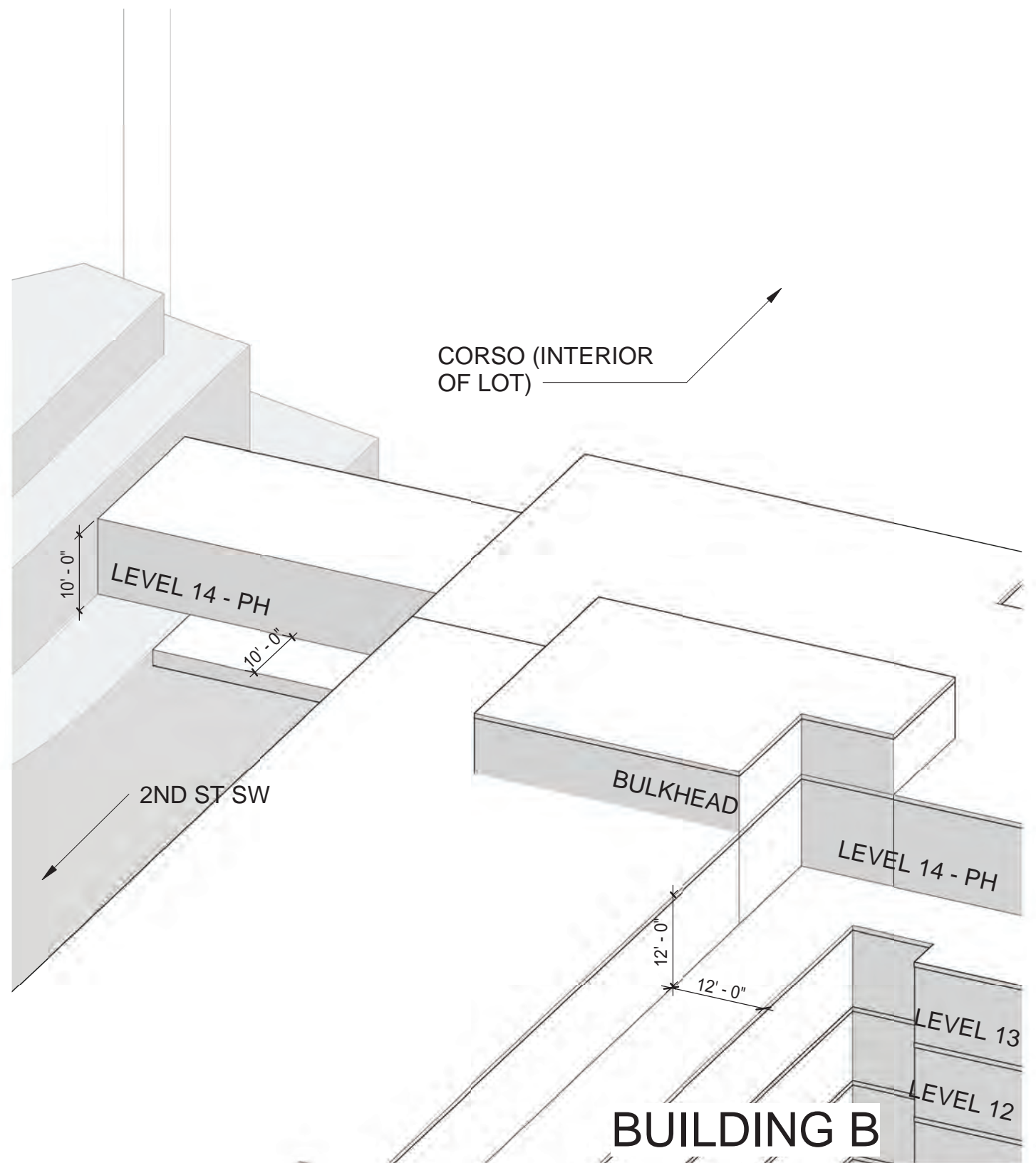
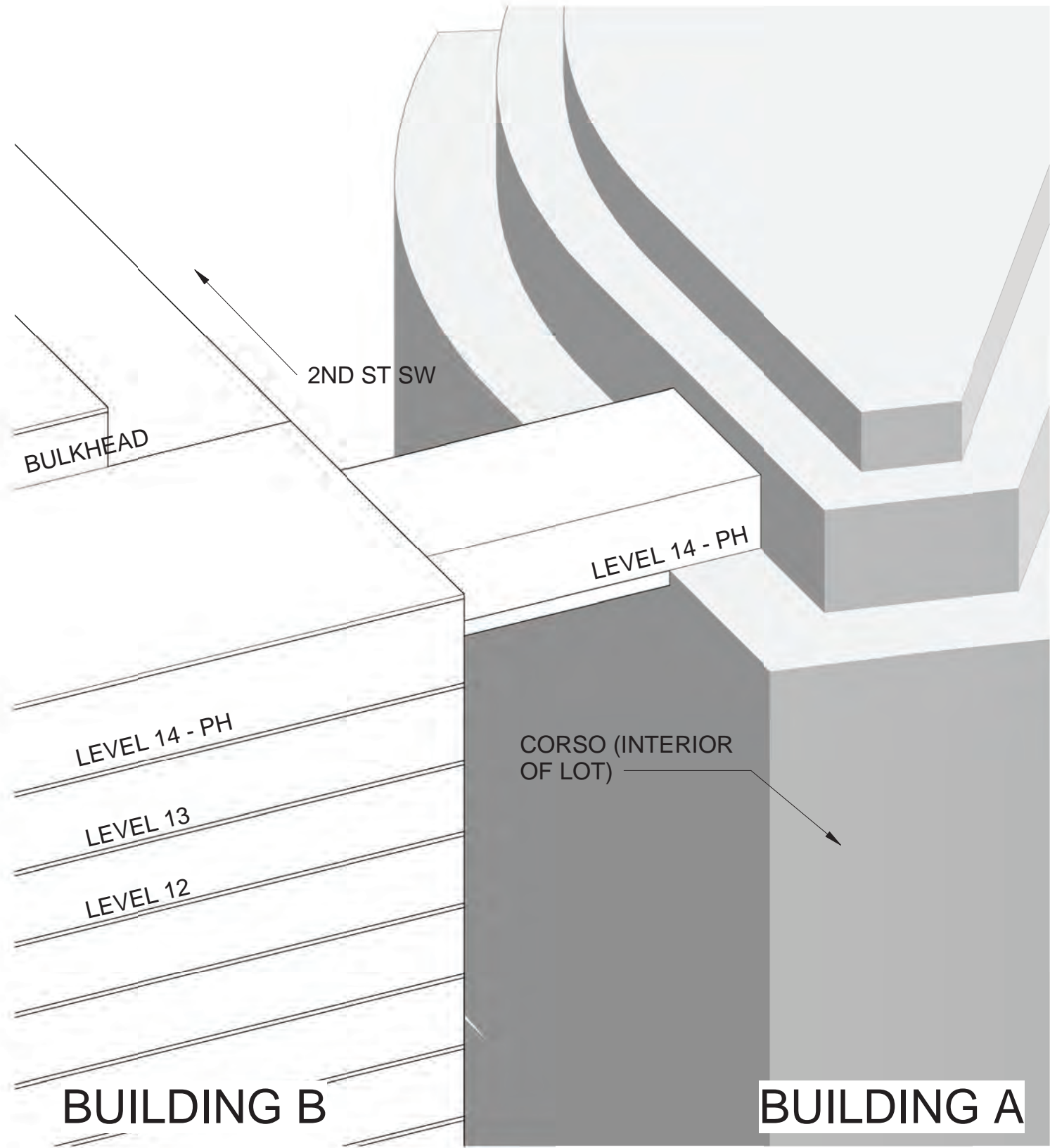
27 April, 2020

**Buzzard Point, Building B**

Washington DC

Akridge National





## MEMORANDUM

TO: Matthew Le Grant  
FROM: Norman M. Glasgow, Jr.  
DATE: May 22, 2020  
RE: 100 V Street, SW

As a part of our May 12th virtual meeting we discussed two issues concerning development of the above referenced site.

First, the location of the Building Height Measuring Point (“BHMP”) for two buildings that front on T Street, SW. As shown on Attachment A, one building is located on Lot 1 and one building is located on Lot 2. While both buildings have frontage on T Street, they have setbacks of varying degrees from the T Street property line. The building footprints are shown in gray, with the lot lines, the top of curb (TC) and BHMP elevations, and the midpoint of each building shown in red. The green markings show the extent of the frontage of each building along T Street. As shown on Attachment A:

- The midpoint of the Lot 1 building (which two components constitute a single building for zoning purposes) and the BHMP at the top of the curb is shown at elevation 16.34, as shown on the west side of the site (left hand side of the image); and
- The midpoint of the Lot 3 building and the BHMP at the top of the curb is also shown at elevation 16.34, as shown on the east side of the site (right hand side of the image).

In addition, we discussed that there may be a curb cut on Lot 1 where the middle of the front of the building would be located, in which case there would be no “top of curb” in that precise location. In that event, we discussed that the applicant would take the curb elevations on either side of the curb cut, and the BHMP would be taken where the line between the curb cuts and the middle of the building intersect at an elevation as if the curb were there.

Attachment B includes images from an elevation perspective that show the buildings located on Lot 1 and Lot 3.

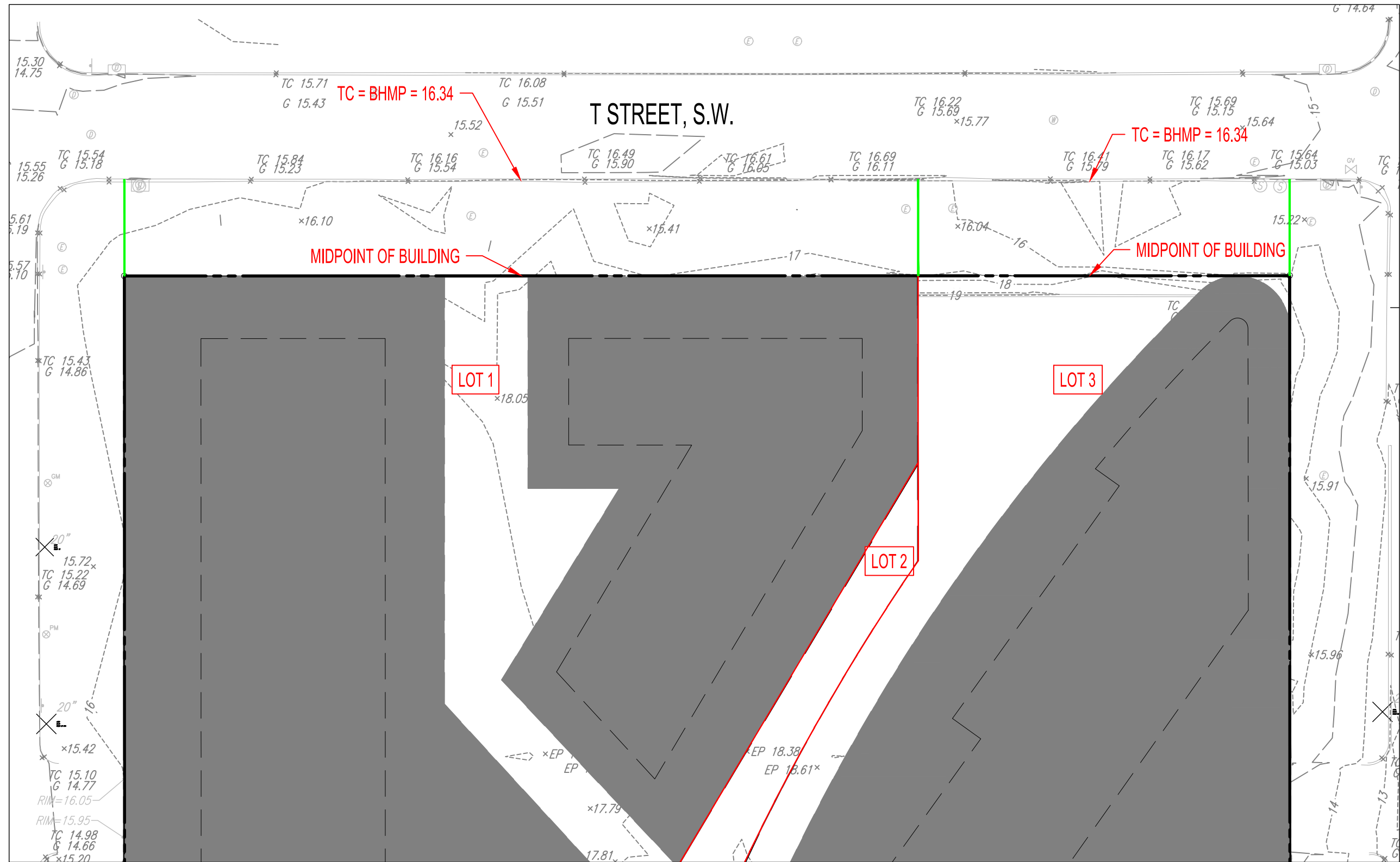
Second, we discussed that T Street, SW has a higher elevation than V Street, SW, and therefore could be used as the point of measurement for building height purposes. *See* Section 7 of the 1910 Height Act, which states that “[i]f the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit the greater height.” *See also* Attachment C, highlighted in yellow, and 11-B DCMR § 307.

We also discussed that for 1910 Height Act purposes, V Street, SW has an 80-foot wide right of way with a 30-foot wide building restriction line in front of the property. *See* Attachment D, which is a copy of the establishment of a building restriction line in the Office of the Surveyor creating a 110-foot dimension between the building restriction line and the lot lines to the south. For purposes of measuring the width of V Street for determining building height under the Height Act, the dimension between the building restriction line and the lot lines to the south may be used. *See*

Section 5 of the 1910 Height Act, stating that “[o]n streets less than ninety feet wide where building lines have been established and recorded in the office of the surveyor of the district, and so as to prevent the lawful erection of a building in advance of said line, the width of the street, in so far as it controls the height of buildings under this law, shall be held to be the distance between said building lines.”

If the foregoing is in accordance with your understanding as to the location of the BHMPs on T Street, SW, and as to the ability to measure building height for 1910 Height Act purposes from V Street, SW, then please provide responding email that confirms this understanding.

# **ATTACHMENT A**



C:\PROGRAMDATA\BOHLER\DC\2020\TEMP\AC\PUBLISH\_160772DC162042D44--->LAYOUT.LAYOUT1

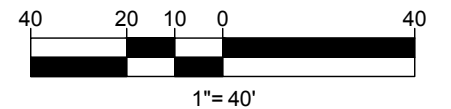
# T STREET SW BHMP

05/18/2020

JK | DC162042

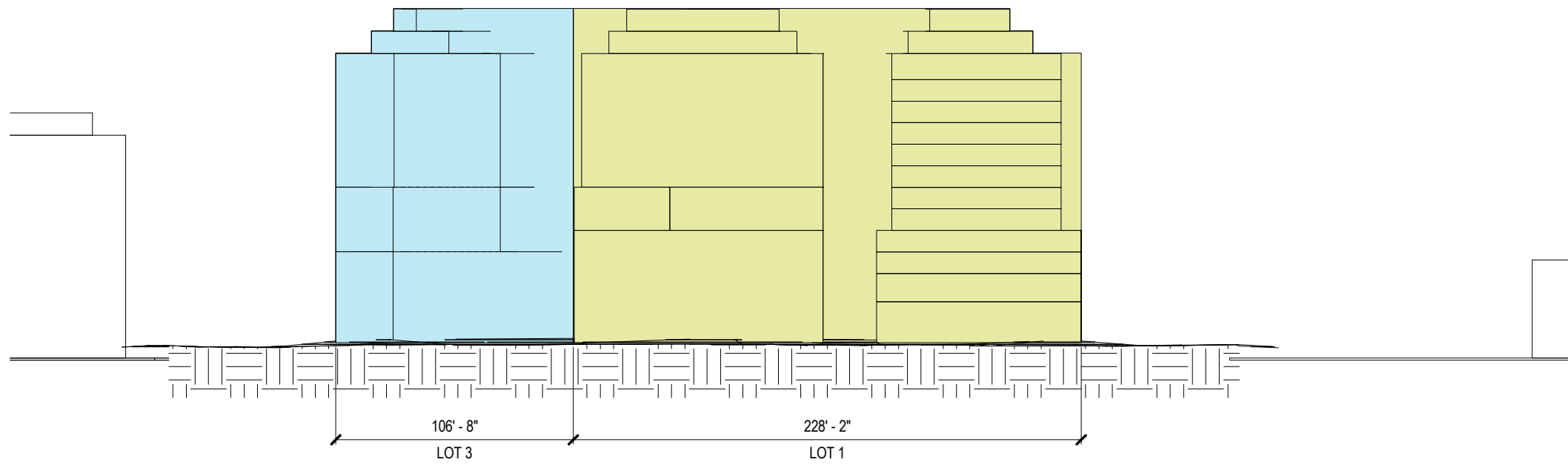
**BOHLER DC //**

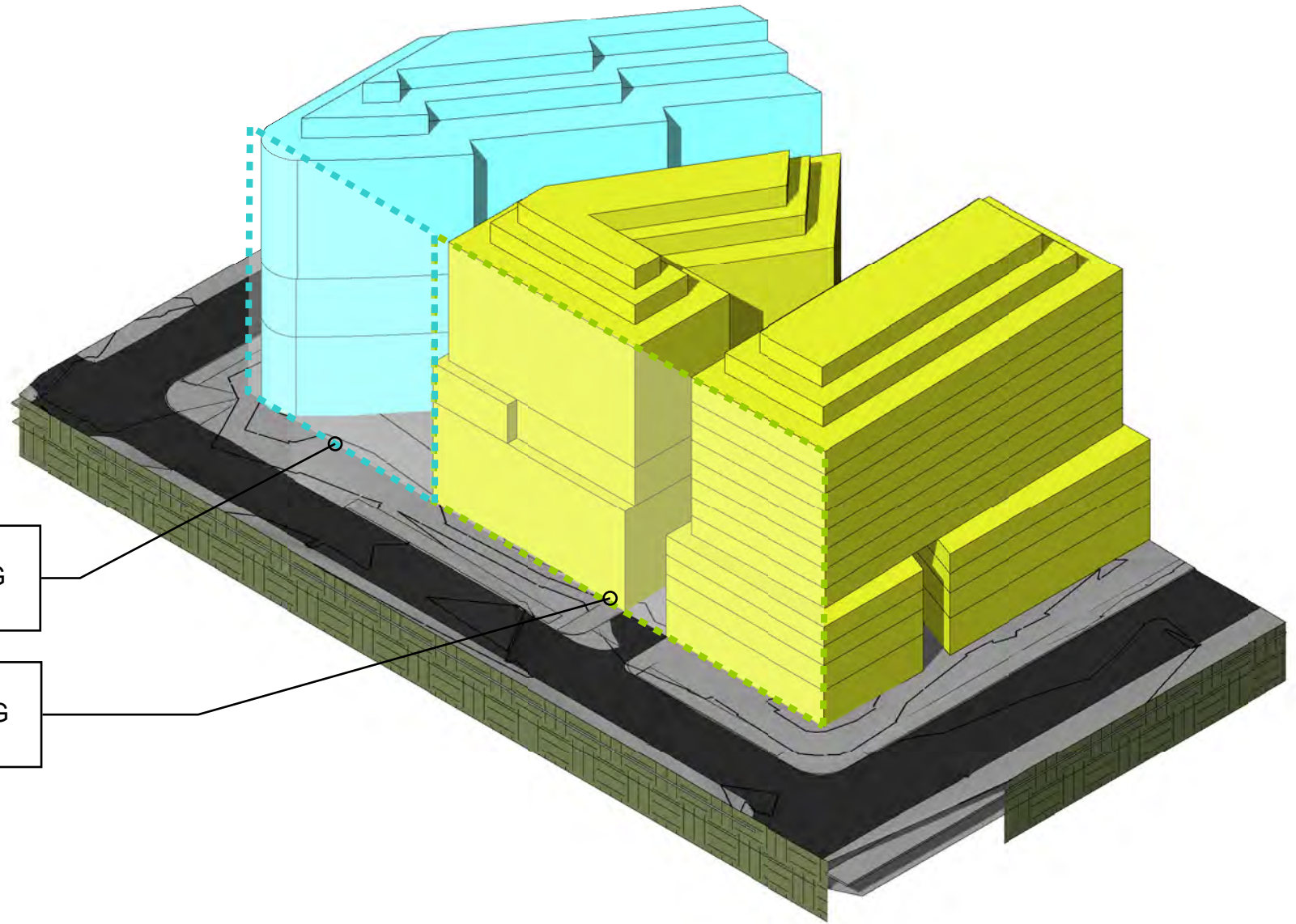
1331 PENNSYLVANIA AVE., NW,  
 STE. 1250 NORTH  
 WASHINGTON, DC 20004  
 Phone: (202) 524-5700





# **ATTACHMENT B**





LOT 3  
MIDPOINT OF BUILDING  
BHMP = 16.34

LOT 1  
MIDPOINT OF BUILDING  
BHMP = 16.34

# **ATTACHMENT C**

C  
O  
P  
Y

May 11, 1950

TO: THE COMMISSIONERS

IN RE: Request of Lt. Col. T. J. Hayes, Assistant Engineer  
Commissioner, for an opinion as to the place from which  
the height of a building to be erected in the triangle  
bounded by H Street, 14th Street, and New York Avenue,  
N. W., shall be measured under the provisions of the  
Act of 1910 regulating the height of buildings in the  
District of Columbia

REPORT:

The Virginia Hotel Company is the owner of the above-mentioned property and proposes to erect thereon an office building to the full height permitted by the laws and Zoning Regulations of the District. The plans as submitted call for a building approximately 130 feet in height with setbacks above the 110 foot level as required by Paragraph 11 of Section XIII of the Zoning Regulations. 14th Street and New York Avenue are of sufficient width to permit, under Section 5 of the Act of 1910 (Section 5-405, D. C. Code 1940 edition), the erection of this building to a height of 130 feet. H Street is not wide enough to permit a height of 130 feet, but it has an elevation greater than New York Avenue.

Section 5 of the Act of 1910 reads in part as follows:

"Sec. 5. That no building shall be erected . . . . so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet;"

"No building shall be erected . . . . as to exceed the height of 130 feet on a business street . . . . except on the North side of Pennsylvania Avenue between First and Fifteenth Sts., N.W., where an extreme height of 160 feet will be permitted."

"The height of a building on a corner lot will be determined by the width of the wider street."

The question has arisen as to the point from which the height allowed by Section 5 should be measured. The owners of the building contend it should be measured from H Street which has the greatest elevation, while the Building Department insists the measurement must be made

from the front facing 14th Street, the street from which the height of the building is taken. Section 7 of the Act of 1910 (Section 5-407, D. C. Code, 1940 edition) provides as follows:

"Sec. 7. That for the purposes of this Act 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."

The Building Department construes this Section as if it read that the height shall be measured from the elevation of the sidewalk opposite the middle of the front facing the street the width of which permitted the greater height. In my opinion there is no basis for this construction. Section 5 establishes maximum height classifications for all buildings, based on width of streets, business or residential use of the streets, and occupation of adjacent blocks for parks, reservations or public buildings. The maximum height classification having been determined under Section 5, Section 7 then furnishes the rule for determining the permissible height of a particular building within that class. Section 7 states that "the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height". Neither the elevation of the sidewalk nor the front of the building determines the maximum height classification. The words "that will permit of the greater height" refer to the height to be determined by the actual measurement, rather than to the maximum height classification which has already been determined by the width of one or more of the streets. Sections 5 and 7 are separate and distinct. As before stated the maximum height classification is determined by the widest street. When that has been ascertained the actual height of the building is measured from the middle of the front of the building opposite the sidewalk having the greatest elevation.

There is nothing in the Committee Reports on the Act of 1910 which throws any light upon this problem. However, some help is obtained from a consideration of the Act which the Act of 1910 superseded. On March 1, 1899 Congress passed an Act to regulate the height of buildings in the District of Columbia (30 Stat. 922). This Act provided in part in Section 4, as follows:

"Sec. 4. That no building shall be erected or altered on any street in the District of Columbia to exceed in height above the sidewalk the width of the street in its front. \* \* \*. The height of

buildings on corner lots shall in all cases be regulated by the limitations governing on the broader street; \* \* \*."

Section 6 of the Act provided:

"Sec. 6. That the height of all 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 measurement shall be made upon the front facing the street of steepest grade. \* \* \*."

It will be noted that the Act of 1899 provided that the height of buildings on corner lots would be regulated by the limitations governing on the broader street, and that if the building had more than one front the measurement was to be made from the front facing the street of steepest grade. The method prescribed for measuring the height had nothing to do with the width of the street from which the theoretical height was ascertained since that street was not necessarily the one having the steepest grade. In fact, if the narrower street had the steepest grade and that grade ascended the actual height of the building would be increased because of the condition on the narrower street. On March 3, 1903 the provisions of Section 6 of the Act of 1899 prescribing the method of measuring the height of a building having more than one front was amended to read as follows: (32 Stat. 1022).

"Sec. 6. That the height of all 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 should be measured from the mean elevation of the sidewalk at the street corners."

Here, again, the measurement of the height was determined without reference to the width of the street from which the theoretical height was taken. The Act of 1899, both as originally enacted and as amended, clearly shows the intent of Congress that the measurement of the actual height of the building was to be made without regard to the street the width of which permitted the greater theoretical height, and there is nothing in the 1910 Act which indicates that Congress intended to change this principle.