

September 4, 2025

Andy VanHorn  
Head of Real Estate  
Washington Commanders  
4600 River Rd., Suite 400  
Riverdale, MD 20737

Re: Determination Concerning Permitted Height of Commanders' Stadium Under 1910 Height Act

Dear Mr. VanHorn:

The Commanders have asked me to confirm the proposed new stadium's (the "Stadium") compliance with the 1910 Height Act. The Stadium is to be constructed on its own lot in the same general location as the existing Robert F. Kennedy Memorial Stadium ("RFK") on the RFK Campus (the "Stadium Site"). For purposes of this determination letter, the term "RFK Campus" is defined as the land that was subject of the Transfer of Jurisdiction Plat recorded in the Surveyor's Office on February 5, 2025, on page 13 of subdivision book 223 (the "RFK Campus"). My determinations regarding the Stadium's compliance with the 1910 Height Act are detailed below.

During our meeting on June 16, 2025, we reviewed the attached presentation slides which are referenced herein, and we discussed the following interpretations of the 1910 Height Act as it applies to the height of the Stadium: (i) determination of the allowable building height; (ii) the proposed location of the Building Height Measuring Point ("BHMP"); and (iii) exemption from the Height Act limitation for the proposed dome.

**1. Building Height – East Capitol Street to Determine Building Height**

Section 5 of the Height Act, codified in D.C. Code § 6-601.05, states as follows:

- a. "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; but where a building or proposed building confronts a public space or reservation formed at the intersection of 2 or more streets, avenues, or highways, the course of which is not interrupted by said public space or reservation, the limit of height of the building shall be determined from the width of the widest street, avenue, or highway...

- b. “No buildings shall be erected, altered, or raised in any manner as to exceed the height of 130 feet on a business street or avenue as the same is now or hereafter may be lawfully designated...” (emphasis added).

As shown on Slide 6 of the presentation slides, the Stadium Site has frontage on the termination of East Capitol Street. **Accordingly, the height of the Stadium can rely on the East Capitol Street right-of-way width for purposes of establishing the maximum building height under the Height Act.** The fact that East Capitol Street terminates at its frontage with the RFK Campus (i.e., at the Stadium Site) does not preclude the ability to rely on its width as the basis for the Stadium height. The language of the Height Act simply requires the right-of-way to be located at the building’s “front.” Allowing East Capitol Street to serve as the basis for the maximum building height, despite being perpendicular to the Stadium Site, is consistent with multiple determinations previously issued by the Zoning Administrator’s office, including a determination addressed to Phil Feola concerning Square S-744, dated March 26, 2012, and a determination addressed to Normal Glasgow concerning Channing Place, dated March 1, 2013 (*see* Slides 9 and 10, respectively).

At the point of its termination, the East Capitol Street right-of-way is 160 feet wide (*see* Slide 7).<sup>1</sup> Pursuant to the language of the Height Act copied above, a building fronting on a business street with a minimum width of 110 feet may achieve a maximum height of 130 feet. **Accordingly, given the Stadium’s frontage on a business street with a width of greater than 110 feet, the Stadium may achieve a maximum building height of 130 feet under the Height Act.**

## **2. BHMP Location**

Section 7 of the Height Act (D.C. Code § 6-601.07) provides that “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 1 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” (emphasis added). **Consistent with this requirement, the BHMP for the Stadium will be located at the level of the sidewalk opposite the middle of the front of the Stadium on East Capitol Street,** as shown on Slide 12.

## **3. Dome is Exempted from Building Height Limitations**

You have further asked that I confirm that a dome is permitted to exceed the 130 foot height limitation that otherwise applies to the Stadium.

Section 5 of the Height Act (D.C. Code § 6-601.05(h)) states as follows:

---

<sup>1</sup> As shown on the Transfer of Jurisdiction Plat at Slide 4, the width of East Capitol Street also includes two 114-foot wide areas, the jurisdiction of which were transferred from the National Park Service (“NPS”) to the District in 1943 for “highway purposes” and to be treated “in all respect as other highways in said District of Columbia.” The combination of the areas that were transferred from NPS (228 feet), along with the right-of-way width of East Capitol Street (160 feet) provides a total right-of-way width of 388 feet. However, we need only look to the historic width of the East Capitol Street right-of-way to establish the maximum height of 130 feet permitted under the Height Act.

“Spires, towers, *domes*, minarets, pinnacles, penthouses, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks *may be erected to a greater height than any limit prescribed in this subchapter* when and as the same may be approved by the Mayor of the District of Columbia; provided, however, that such structures when above such limit of height shall be fireproof, and, except in the case of a penthouse which is erected to a height of one story of 20 feet or less above the level of the roof, *no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed*” (emphasis added).

The maximum building height of 130 feet for the Stadium, as described above, will be measured from the sidewalk abutting East Capitol Street at the front of the Stadium Site to the highest point of the exterior wall of the Stadium (*see* illustrative section at Slide 15). Above that, the Height Act allows a dome to be erected to a greater height than the maximum permitted building height. This exemption has been recognized and accepted since the adoption of the Height Act. *See* Slide 16 which includes a portion of the fact sheet from the D.C. Office of Zoning website stating that “[u]nder the act, rooftop embellishments, such as domes, spires, and minarets, are not counted as part of a building’s total height.”

The term “dome” is not defined in the Height Act. The Merriam-Webster definition of “dome” includes, among other things, “a roofed sports stadium.” Although the Stadium has not yet been designed, the concept for the Stadium includes a covered dome consistent with these definitions. **Therefore, the Stadium’s dome is permitted to exceed the 130 foot building height limitation for the Stadium under the Height Act.**

Moreover, the dome may serve as a roof to the Stadium even though it is a dome that exceeds the 130 foot height limitation. A dome is, by definition, a roof, as noted in the definitions above. It is acceptable for an architectural embellishment to also serve a functional purpose for the building, such as serving as a roof. This finding is consistent with numerous determinations previously made by the Zoning Administrator’s office, including one concerning 1920 N Street, NW, where the Zoning Administrator issued a determination letter to Allison Prince on December 17, 2013, stating that “there are similar situations all over the city where the ceiling of an occupiable floor is located above the relevant Height Act height” (*see* excerpt on Slide 19) and Appeal No. 20453 concerning 1733 16th Street, NW, where the Zoning Administrator testified before the BZA that “the dome is an architectural embellishment [that] can function as a roof as protecting the area underneath it” (*see* excerpt from the transcript with images on Slides 17 and 18).

As noted above, under the Height Act “no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed.” Given that the dome will serve as the roof of the building, it will need to serve certain functional roles to make the base building habitable. For example, it will likely contain certain fixtures such as lighting, air-handling ductwork, scaffolding, walkways, or catwalks. However, the presence of such fixtures does not alter its classification as a dome and does not render the volume of the dome habitable. All fixtures that support human occupancy, such as the top level of seats, will be located fully below the volume of the dome, in compliance with the requirement that “no floor or compartment thereof shall be constructed or used for human occupancy” within the area of the dome.

Similarly, temporary occupancy of the dome for purposes of maintenance does not qualify as “human occupancy” under the Height Act. As a practical matter, personnel must be permitted within the area of the dome to maintain the physical structure, but such presence does not rise to the level of “human occupancy.” *See* Corporation Counsel Opinion dated July 27, 1953, at Slide 20.

Accordingly, for the purpose of determining Height Act compliance, the Stadium’s dome will not be deemed capable for “human occupancy” provided that (i) no part of the dome contains any floor or compartment that would permit individuals to congregate within the area of the dome; and (ii) all Stadium seating is located entirely below the maximum permitted building height of 130 feet. Any temporary occupancy of the area of the dome that is necessary for maintenance of the dome itself, or any other stadium-related equipment, fixtures, or systems, shall not be considered “human occupancy” for purposes of determining Height Act compliance.

These determinations are the Zoning Administrator’s final determinations regarding the measurement of height for the Stadium and the Stadium’s consistency with the 1910 Height Act, codified in D.C. Code §§ 6-601.05 and 6-601.07.

Sincerely,

*Kathleen A. Beeton*

---

Kathleen A. Beeton, AICP  
Zoning Administrator