

HEIGHT ACT CONSIDERATIONS FOR COMMANDERS STADIUM

Meeting with Zoning Administrator

June 16, 2025

Topics to Discuss with the Zoning Administrator

Determination of Allowable Building Height

- Use of East Capitol Street right-of-way and corresponding width to determine maximum permitted building height under the Height Act.
- Determine maximum permitted height for the new stadium under the Height Act based on width of East Capitol Street.

Location of Building Height Measuring Point (“BHMP”)

- Location of BHMP at level of the sidewalk on portion of East Capitol Street right-of-way located east of 22nd.

Exemption from Height Act Limitations

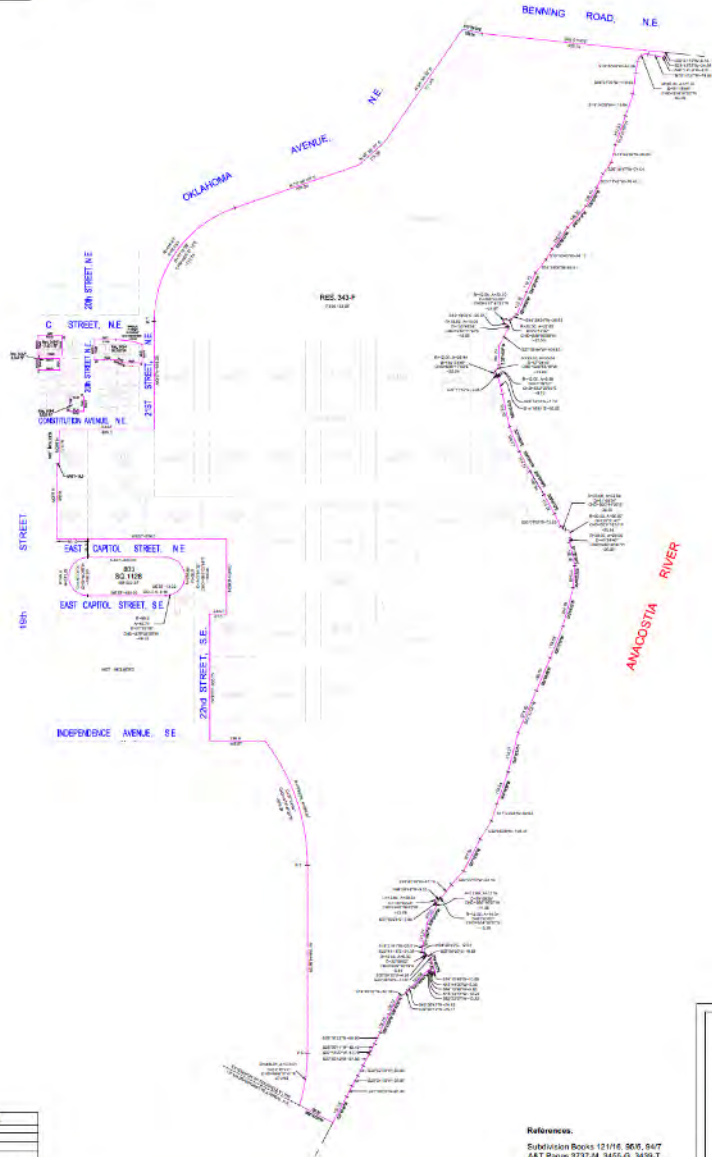
- Ability for domes to exceed the maximum permitted building height under the Height Act.
- Measurement of stadium height and location of base of new stadium dome.
- Determining “human occupancy” in relation to base of new stadium dome.

PLAT OF COMPUTATION
ON LOT PART OF RESERVATION 343 - F

Office of the Surveyor, D.C.
2024

I certify that the plat shown herein is correct and is recorded.

Surveyor, D.C.

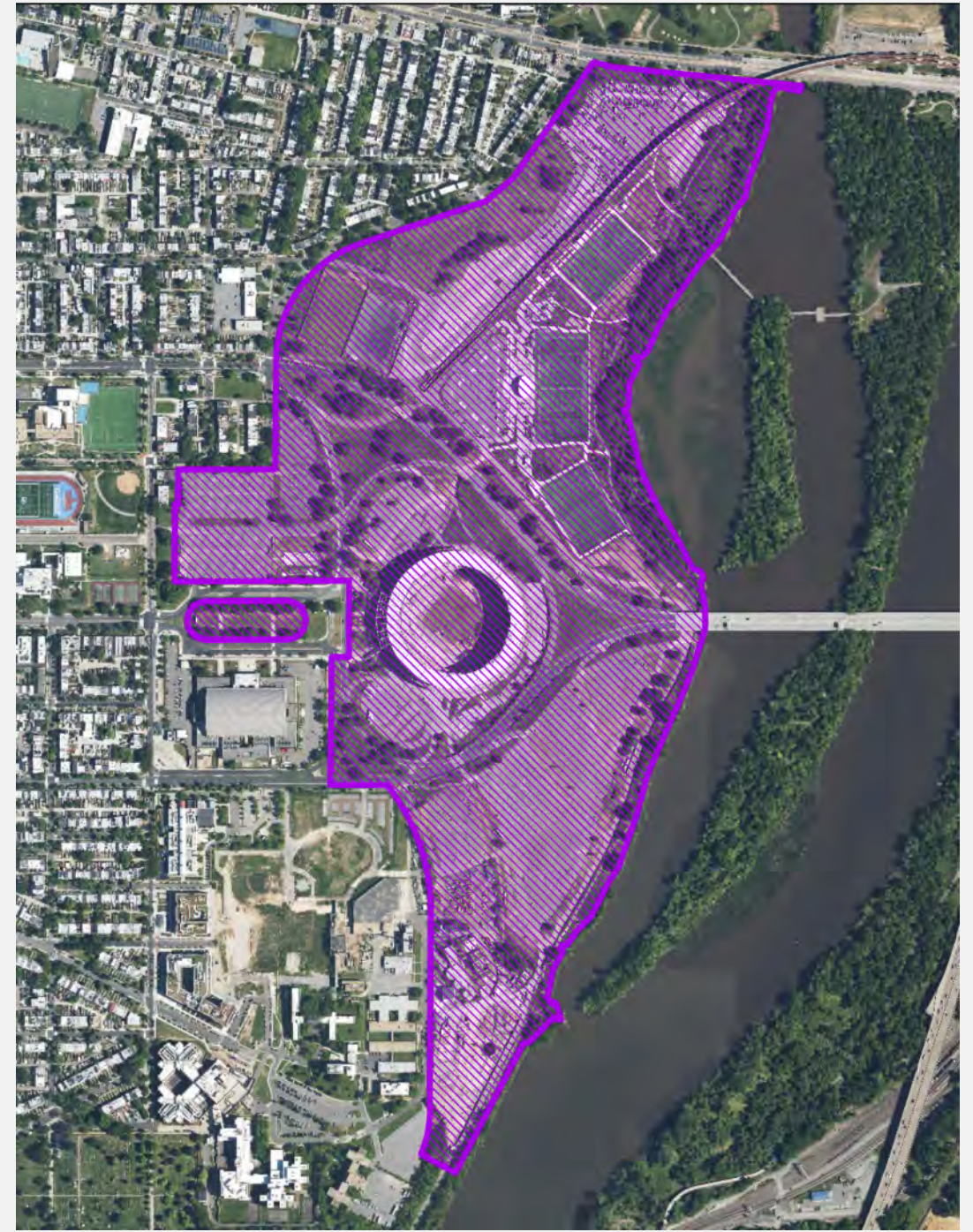


Note: Plat of Computation includes Part of Reservation 343 F and the following lots and squares in said reservation:
Lots 20, 25-40, Square 1119
Lots 31-41, Square 1120
Lot 805, Square 1119
Lot 802, Square 1120
Lots 805 & 807, Square 1127
Lot 803 & 804, Square 1128
Lot 805, Square 1129
Lot 805, Square 1140

References:
Subdivision Books 12/116, 50/6, 54/7, 2358, 1774, 1043
Map Number: 10452, Parcel 149 Map

All or parts of Squares:
1132, 1133, 1137, 1138, 1140-S, 1141-1146, 1150, 1151, 1153-1154

SURVEYOR'S OFFICE, D.C.	
Drawn by:	ESB, MDS
Checked by:	A.S. (checked by)
Recorded and computed by:	B. MDS
Recorded in Survey Book:	XXX Page XXX
Scale:	1 inch = 100 feet
2024 PLAT OF COMPUTATION 25-0354, RES. 343-F	



CLOSING OF STREETS AND TRANSFER OF JURISDICTION



E.D. 253776-1
E.D. 253777-13

Scale 1 inch = 200 feet

WASHINGTON - B. WILSON NOVEMBER 10-TH 1943

For Original See 50 MAR 12 1943

Department of the Interior, National Park Service
Washington, D.C. March 24th, 1943

In accordance with Public Act No. 143, approved May 20th, 1932 and Section 4 of the Act of Congress approved July 1st, 1909 (35 Stat. 570) and Executive Order of June 10th, 1933 issued pursuant to Section 10 of the Act of Congress approved March 3rd, 1933 (47 Stat. 1517).
I hereby transfer to the jurisdiction of the Commissioners of the District of Columbia the area shown hereon in hatched lines for highway purposes, said area here by transferred to be under the control and authority of the said Commissioners the same in all respects as other highways in said District of Columbia, and we hereby accept the transfer from the Commissioners of the District of Columbia of the area shown in cross hatched lines subject to restrictions cited below.

Boyd A. Duggan
Acting Director of National Park Service

Office of the Commissioners
District of Columbia
Washington, D.C. March 25th, 1943

In accordance with Public Act No. 143, approved May 20th, 1932 and Section 4 of the Act of Congress approved July 1st, 1909 (35 Stat. 570) and Executive Order of June 10th, 1933 issued pursuant to Section 10 of the Act of Congress approved March 3rd, 1933 (47 Stat. 1517). We hereby transfer to the Director of National Park Service the area shown hereon in cross hatched lines, subject to the right of the District of Columbia to enter upon and do all things necessary in connection with the maintenance, repair or reconstruction of existing sewers and water mains.
We also hereby accept the transfer from the Director of National Park Service of the area shown hereon in hatched lines, all the provisions of Public Act No. 362, approved December 15th, 1932, having been complied with.

IT IS HEREBY ORDERED, that the streets shown here on in green duly closed in accordance with Commissioners order effective March 17th, 1943, shall revert to the United States of America subject to the right of the District of Columbia to enter upon and to do all things necessary in connection with the maintenance, repair or reconstruction of existing sewers and water mains.

The Surveyor of the District of Columbia is directed to record this plat in his office.

By order of the Board of Commissioners
of the District of Columbia

(Signed) G. M. Thornett
Secretary to the Board

National Capital Park and Planning Commission
Washington, D.C. January 14th, 1943

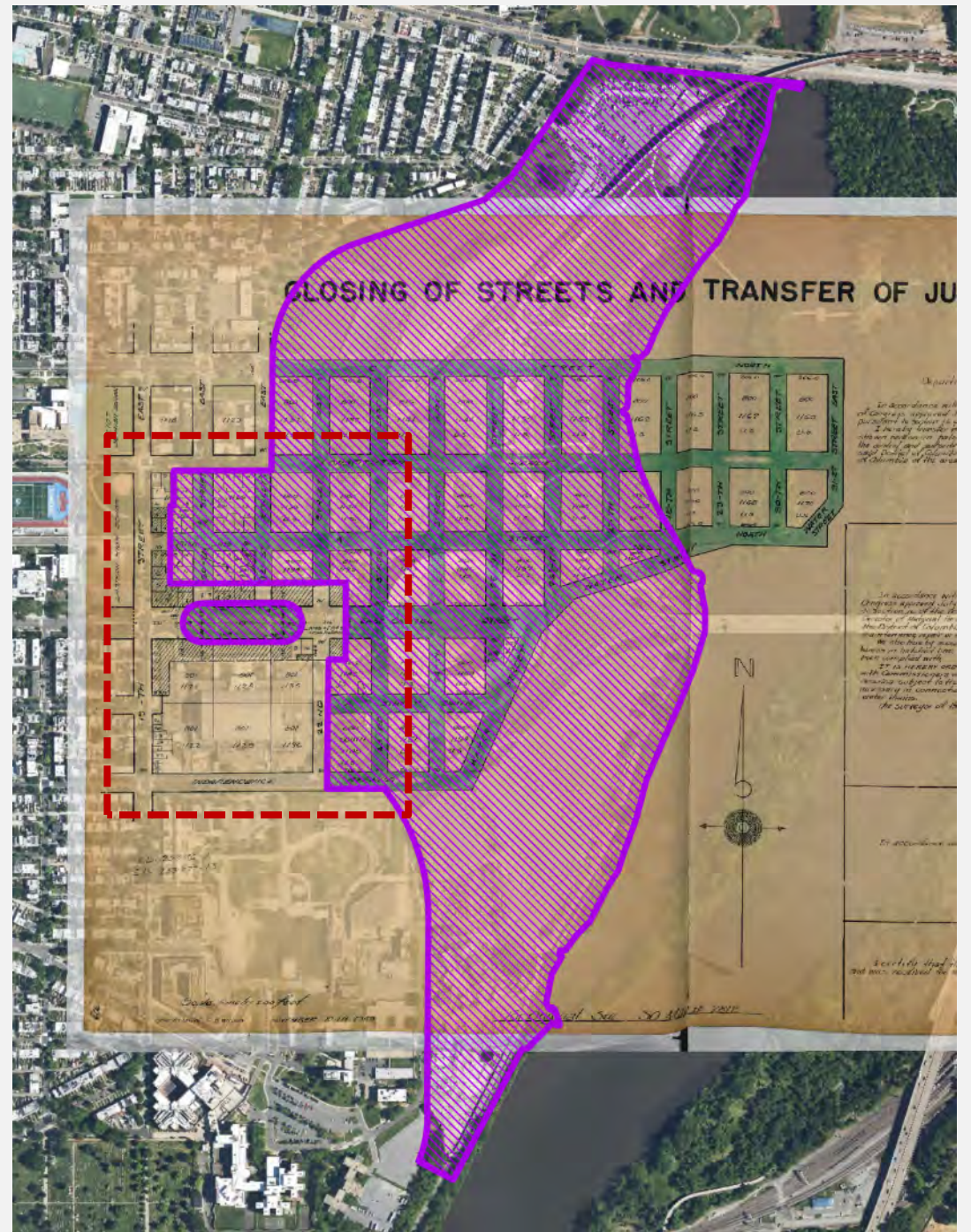
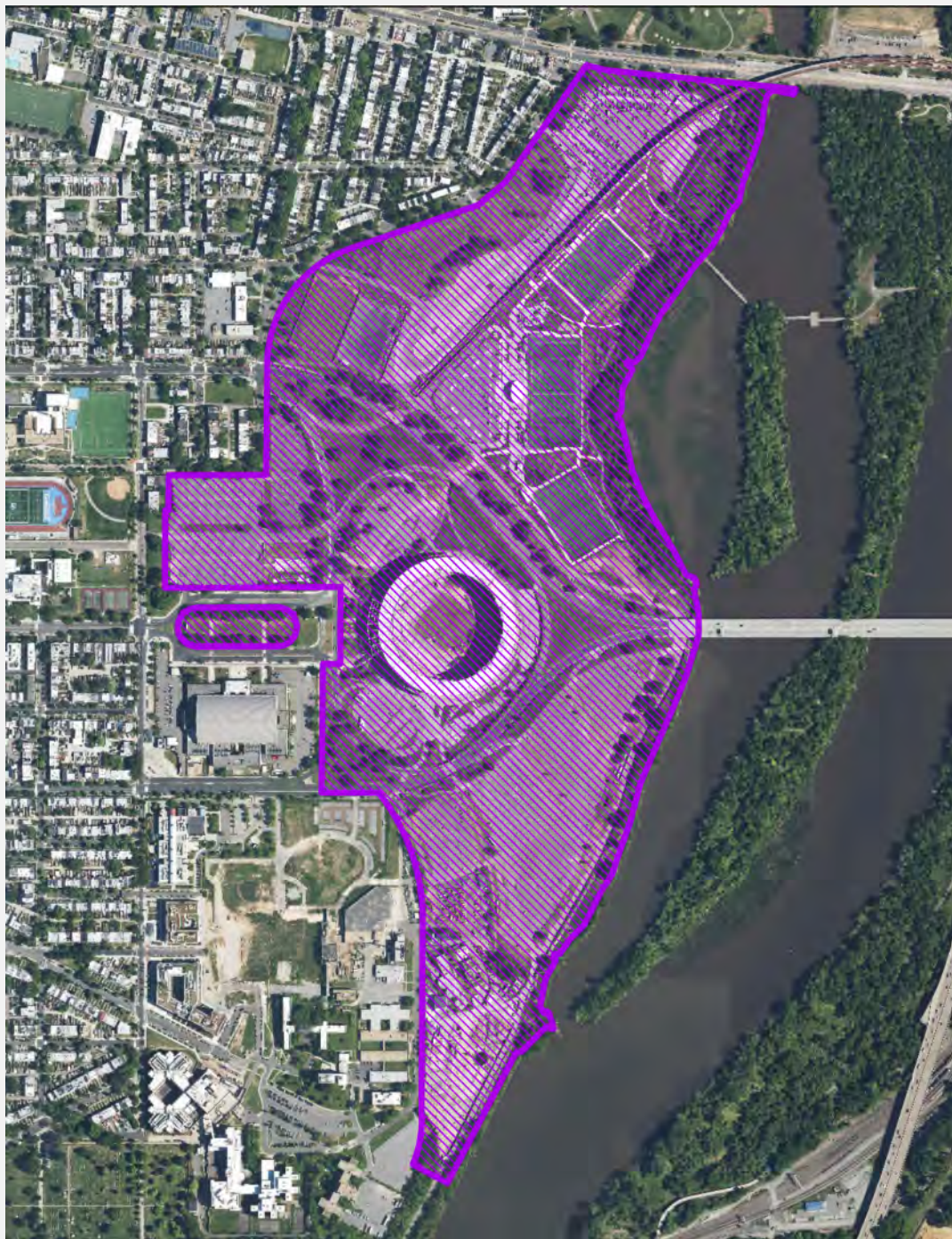
In accordance with Public Act No. 143, approved May 20th, 1932

Recommended by vote of Commission

(Signed) U.S. Board and
Chairman

Reciting that the foregoing plat agrees with the records of this office and was received for record at 8:35 AM April 5th, 1943

J. L. DeLoach
Surveyor District of Columbia

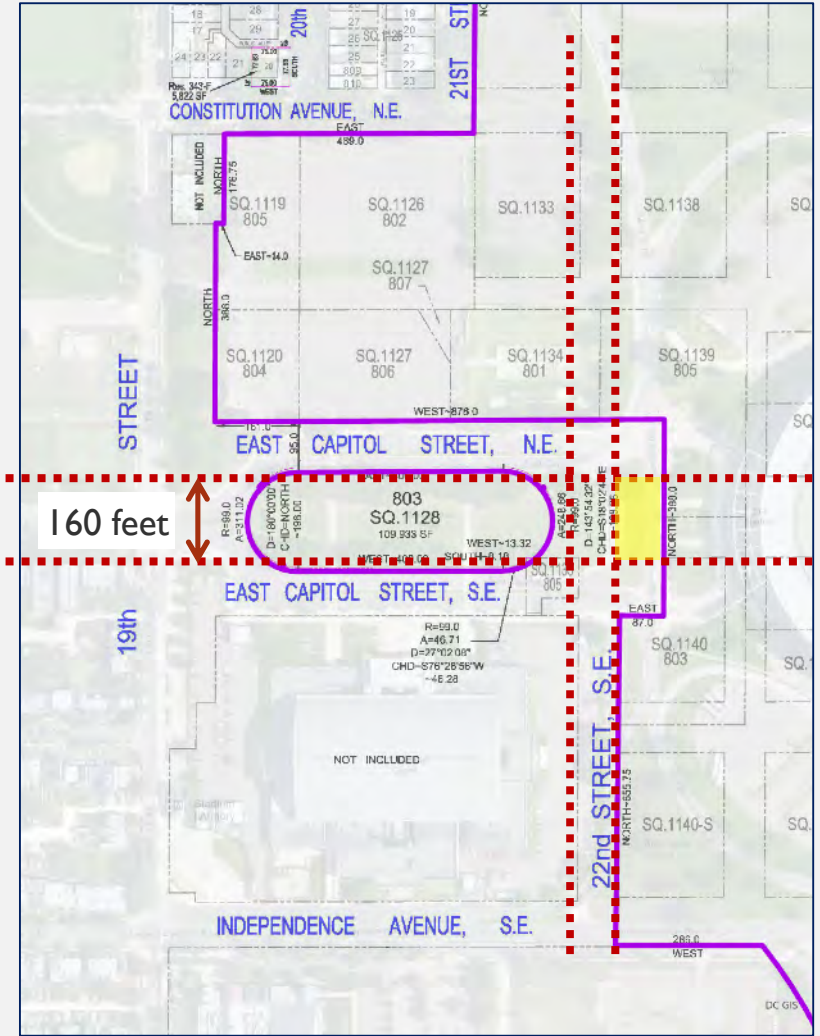
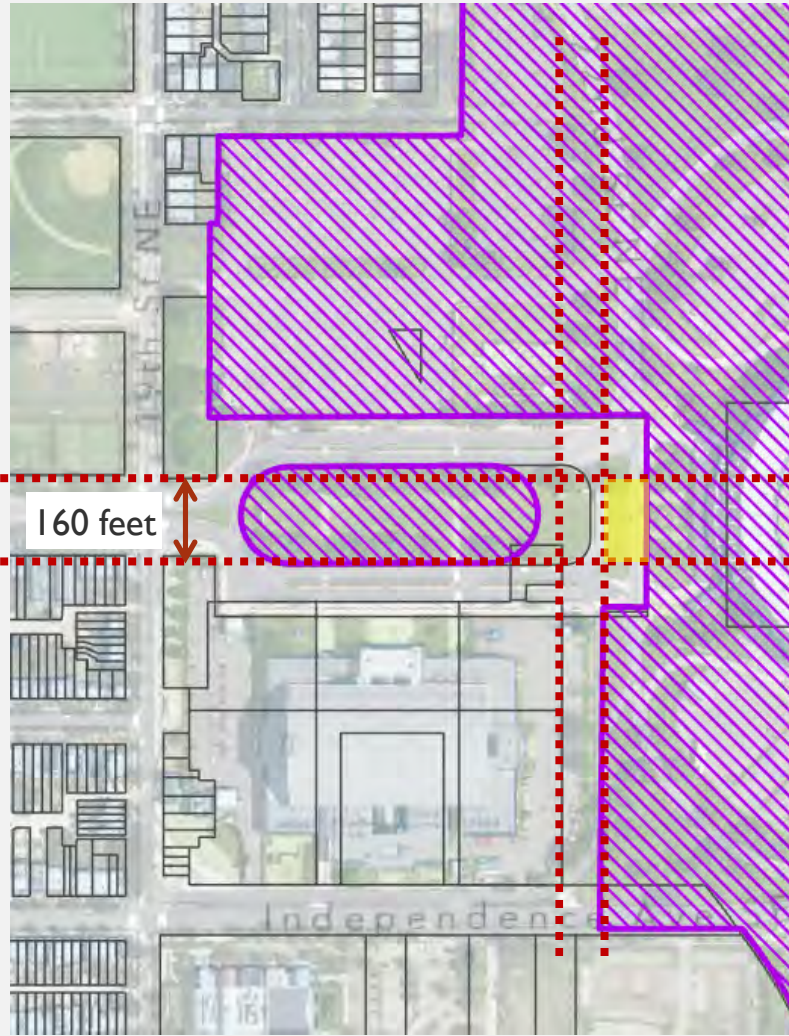


Height of Buildings Act, Section 5

DC Code § 6–601.05. Street width to control building height; business streets; residence streets; specified properties; structures above top story of building.

(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.** Where a building is to be erected or removed from all points within the boundary lines of its own lots, as recorded, by a distance at least equal to its proposed height above grade the limits of height for fireproof or noncombustible buildings in residence sections shall control, the measurements to be taken from the natural grades at the buildings as determined by the Mayor of the District of Columbia.

(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, except on the north side of Pennsylvania Avenue between 1st and 15th Streets Northwest, where an extreme height of 160 feet will be permitted.



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

March 26, 2012

Phil Feola
Goulston & Storrs, P.C.
1999 K Street, N.W., Suite 500
Washington, D.C. 20006



Re: Square S-744, Lot 804, Canal Street, S.E., Determination of Street Frontages for 1910 Height Act Purposes

Dear Mr. Feola:

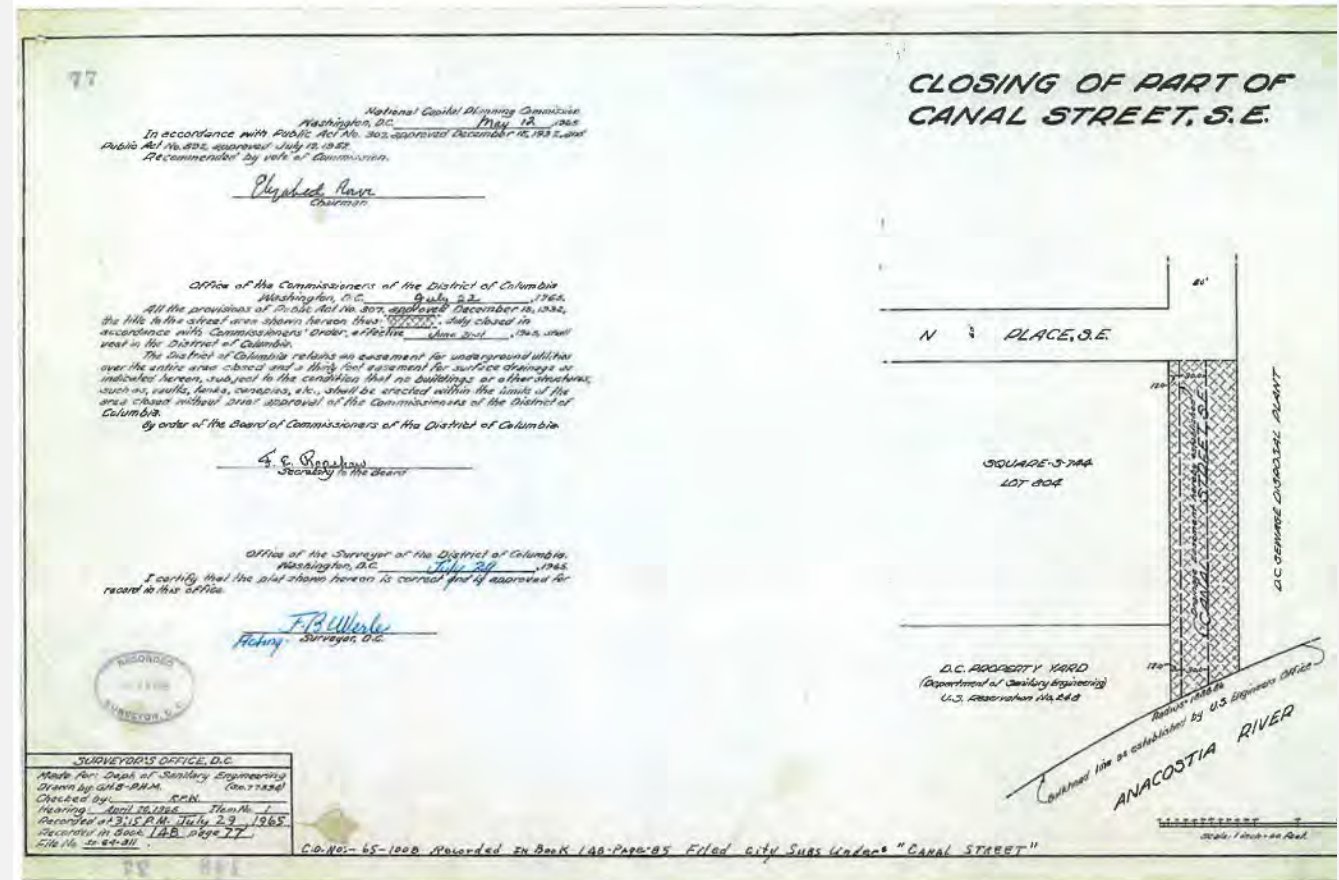
Pursuant to a meeting with you and Mark Gilliland of Shalom Baranes Architects on March 8, 2012, this letter addresses the issue of the permissible building height for development of Lot 804, Square S-744 which is bounded by N Place, S.E. and Canal Street, S.E. as shown on the attached plat.

The 1910 Height Act permits a building height not to exceed the width of the street increased by twenty (20) feet. Based on my review of the attached plat, I find that Lot 804, Square S-744 has frontage on N Place, S.E. and Canal Street, S.E., **Canal Street, S.E. has a right-of-way of eight (80) feet. Therefore, a building could be erected on the property to a building height not to exceed 100 feet under the 1910 Height Act.** Of course, if the zoning of the property only permits a lesser height, the zoning height will prevail. In making this determination, I find that the southern terminus of Canal Street S.E., with a width of eighty (80) feet, abuts and is adjacent to Lot 804, Square S-744.

Please feel free to contact me if there are any questions.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachment



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 17th 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 9th 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 L.L.C., four of the five lots front on Channing Place and the fifth lot fronts on 9th 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 9th 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 ..."

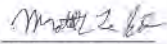
There are many circumstances where the width of a street changes in the course of the street. Examples include Virginia Avenue in Southwest (which is variously 30 to 160 feet wide), New

1100 4th Street, SW 3rd Floor Washington, D.C. 20024
Phone: (202) 442-4576 Fax: (202) 442-4871

March 1, 2013
Page 2

Jersey Avenue in Southeast (which is variously 40 to 160 feet between M Street and the railroad tracks), 1st Street in Northeast (which is 60 to 110 feet wide between Columbus Circle and Florida Avenue) and 6th 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 L. Grant
Zoning Administrator

Attachments

File: Det Let re Channing Place NE to Sher 3-1-2013

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR


Washington, D.C., May 10, 2006

Plat for Building Permit of SQUARE 3846 LOTS 74, 854, 855, 857 & 858

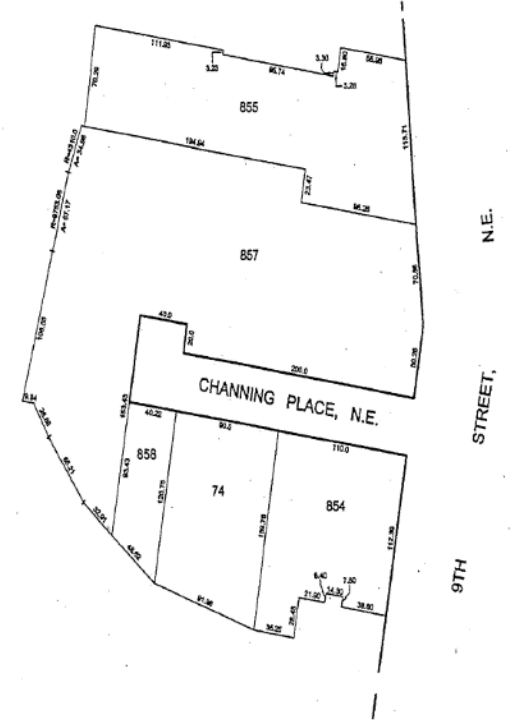
Scale 1 inch = 40 feet
Recorded in Book 80 Page 7 (LOT 74)
Recorded in Book AAT Page 27044 (LOT 854)
Recorded in Book AAT Page 28074 (LOTS 855, 857 & 858)

Record No. 15057
Forwarded to: HOLLAND AND KNIGHT LLP, DCMA

Date: _____
(Signature of owner or the authorized agent)


Surveyor, D.C.
By: L.M.A. [Signature]

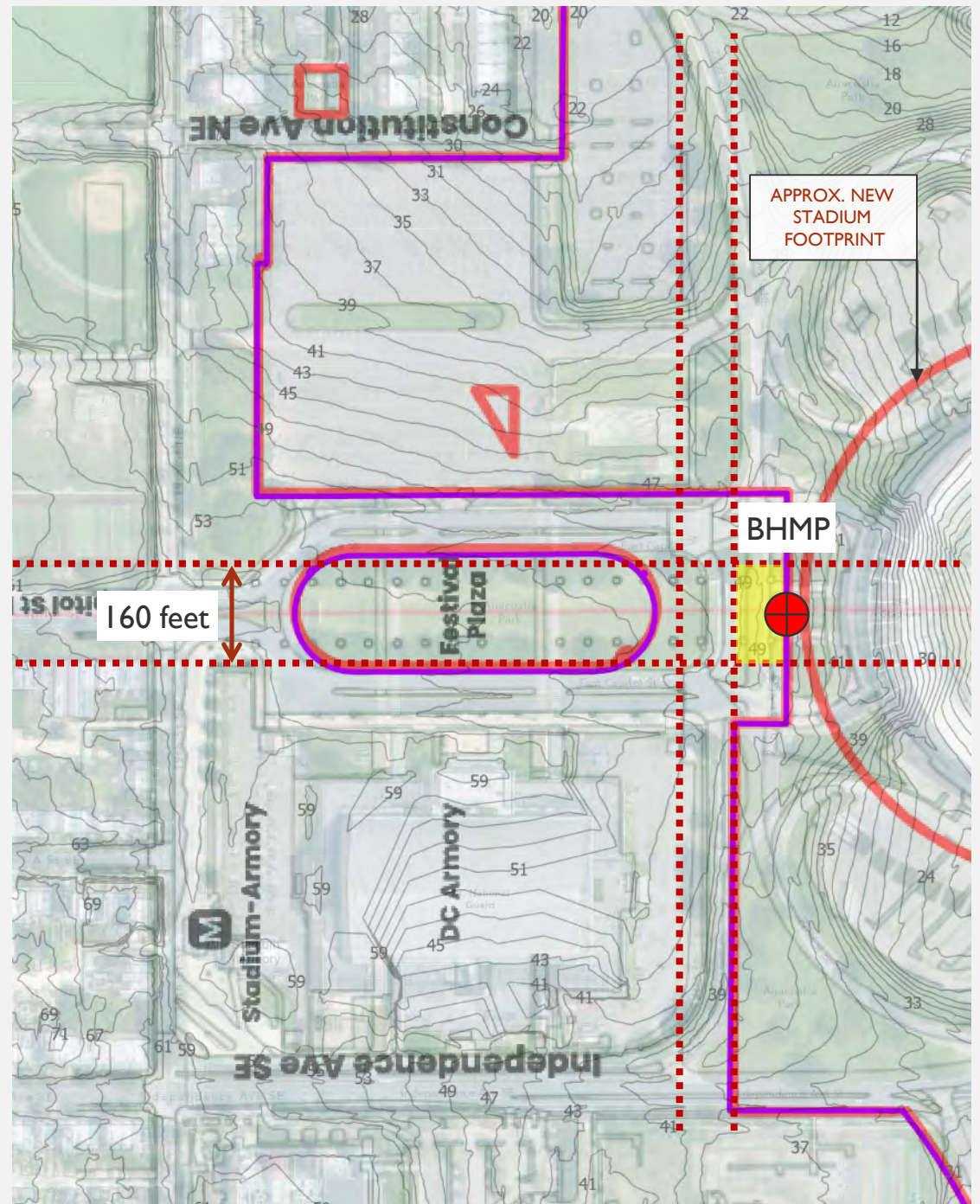
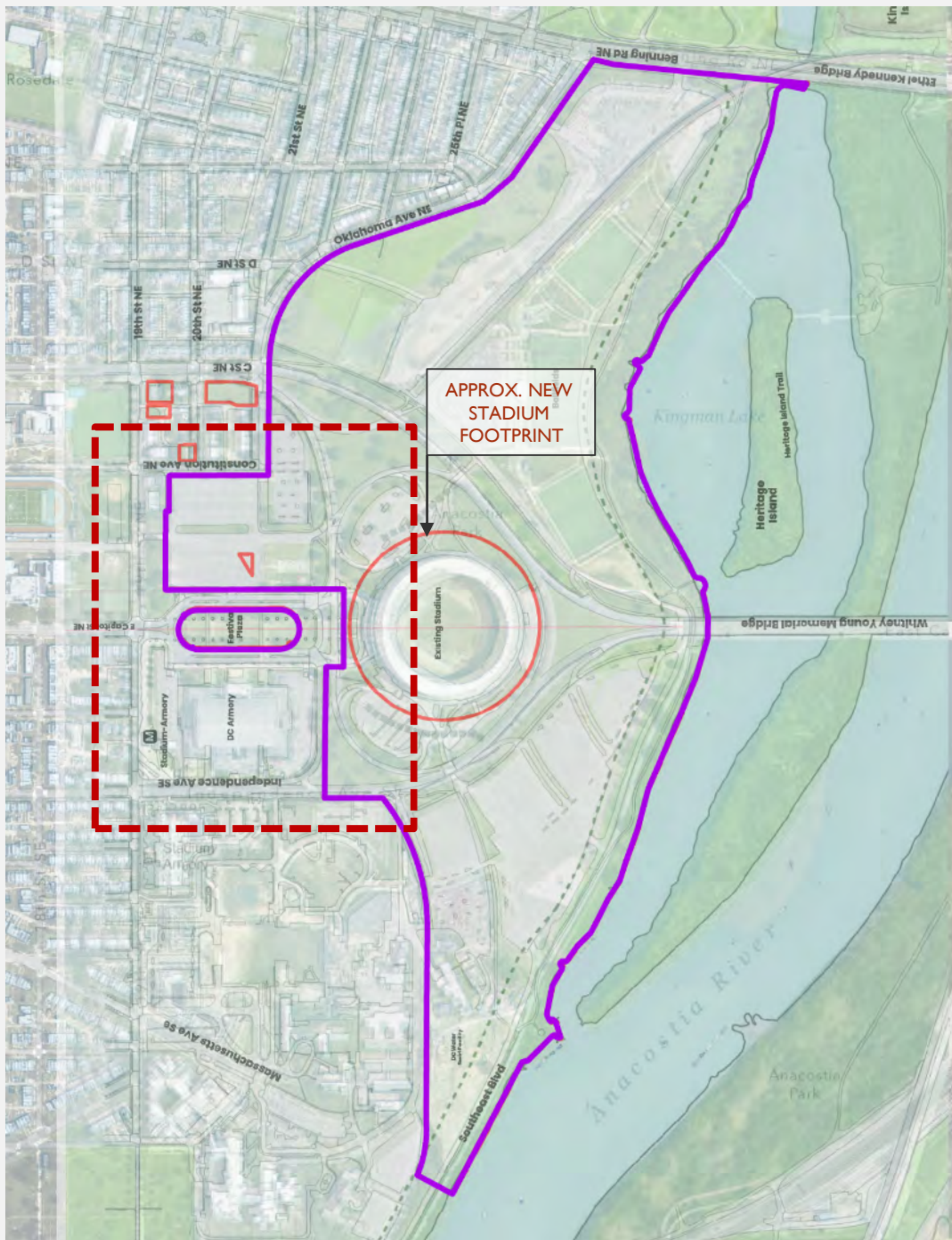
NOTE: This plan for assessment and Transfer Tax or Permit fee is submitted with the records of the Department of Revenue and Revenue Assessment Administration, and is not necessarily open to public inspection.



Height of Buildings Act, Section 7

DC Code § 6–601.07. Measurement of building height; parapet walls.

For the purposes of this subchapter 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. No parapet walls shall extend above the limit of height, except on nonfireproof dwellings where a parapet wall or balustrade of a height not exceeding 4 feet will be permitted above the limit of height of building permitted under this subchapter.



Height of Buildings Act, Section 5

DC Code § 6–601.05. Street width to control building height; business streets; residence streets; specified properties; structures above top story of building.

(h) 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;**

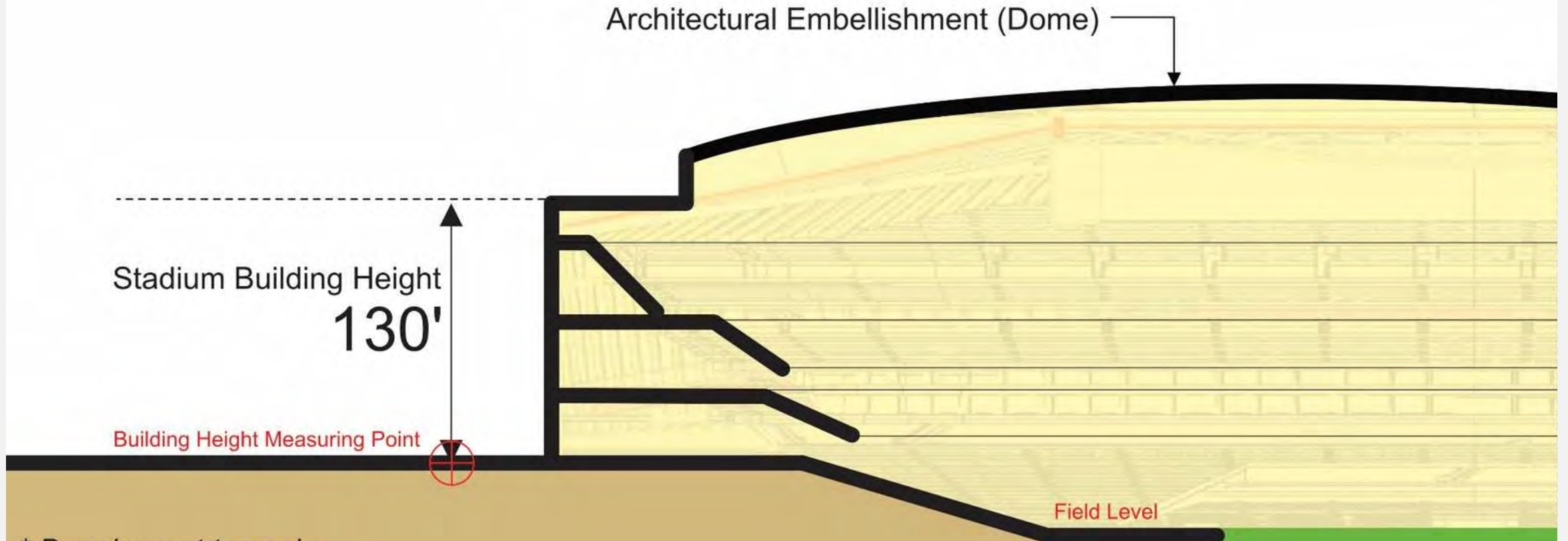
Architectural Embellishment (Dome)

Stadium Building Height
130'

Building Height Measuring Point

Field Level

* Drawing not to scale



What's Special About Zoning in D.C.?

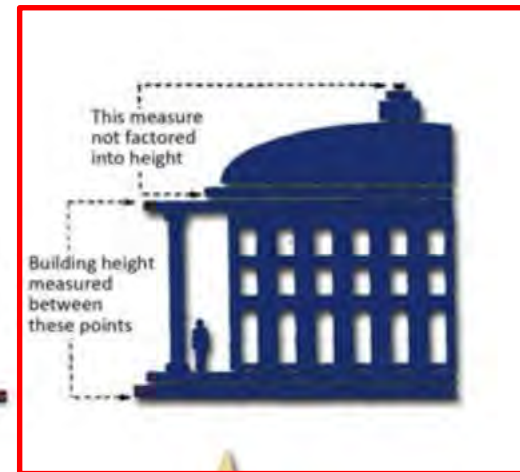
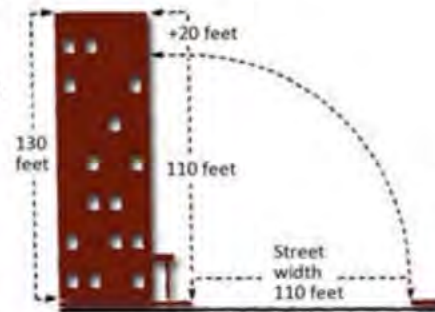
- The federally-mandated Height Act of 1910 cannot be superseded by other zoning laws.

BROAD AVENUES, WIDE VISTAS, SHORT BUILDINGS

The federal Height Act of 1910 restricts a building's height, in most instances, to the width of the street it fronts, plus 20 feet. A corner structure may use the wider of the two streets as the basis for measurement.

The act limits most buildings to 110 feet, but those on wider boulevards, such as K Street and 13th Street, reach heights of 130 feet. Pennsylvania Avenue buildings may go as high as 160 feet.

Under the act, rooftop embellishments, such as domes, spires and minarets, are not computed as part of a building's total height, which is measured from the front center of the structure.



White House
Height: 85 feet



U.S. Capitol
Height: 300 feet



Washington Monument
Height: 555 feet

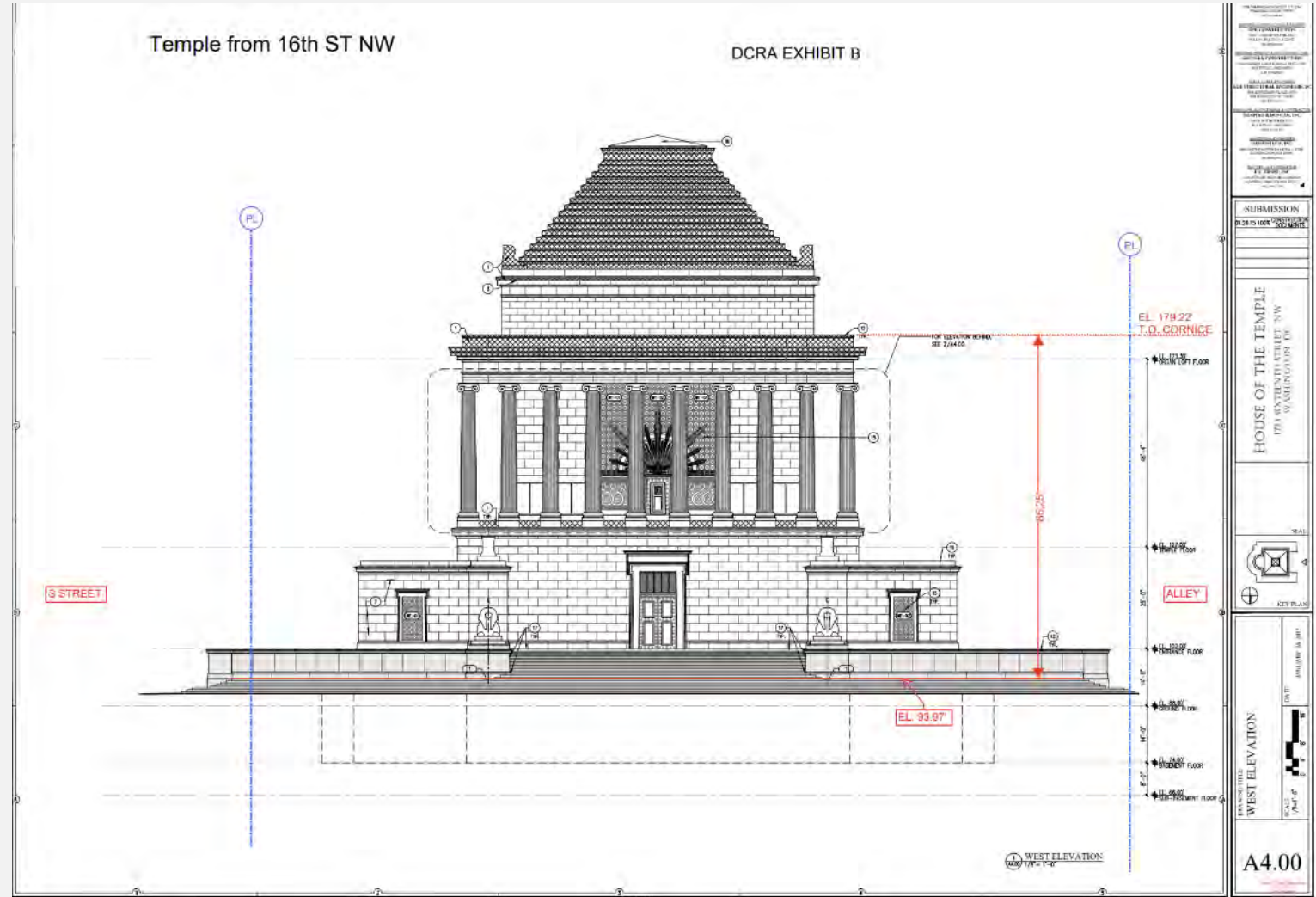


BZA Appeal No. 20453 | ZA Testimony on Height Measurement in Relation to Domes

5 MR. LeGRANT: Yes. So in this case, I was
6 provided a drawing, showing the west elevation which now we
7 all can see. The view of the temple from 16th Street,
8 Northwest or the BHMP is located, the drawing shows the
9 height of the building was measured correctly in accordance
10 with the provision B 308.2. And to further describe this
11 drawing, so the west elevation view shows the mass of the
12 building and the dome.

13 And it shows the lower red line, the elevation of
14 the building height measuring point. It's 93.97. And then
15 we go to the cornice line as the top of the roof. And then
16 the vertical dimensions, 85.25, shows the height of the
17 building in relation to the BHMP and the roof. That's the
18 applicable analysis that one does to determine building
19 height.

20 MR. WHITE: Okay. Now let's discuss why the dome
21 of the temple was not included in determining the building
22 height. Can you tell us why?

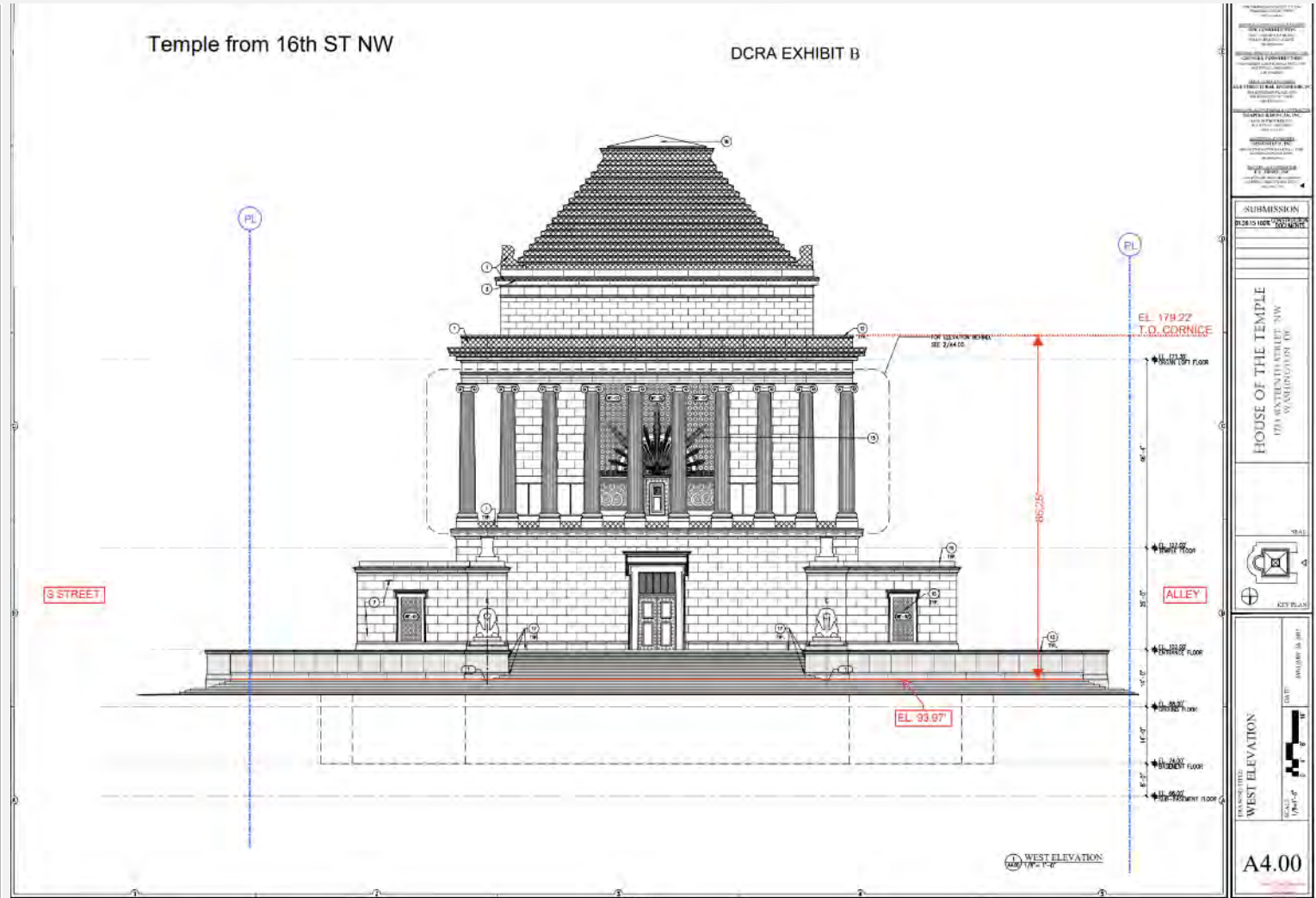


BZA Appeal No. 20453 | ZA Testimony on Height Measurement in Relation to Domes

2 It's now in Subtitle B, 306.5. I'll read it.
3 Architectural embellishments consisting of spires, towers,
4 **domes**, minarets, and pinnacles may be erected to a greater
5 higher than any limit prescribed by these regulations or the
6 Height Act, provided that the architectural embellishment
7 does not result in an appearance of a raised building height
8 for more than 30 percent of the wall on which the
9 architectural embellishment is located.

10 So since domes are expressly excluded from the
11 BHMP calculation as an architectural element, **although they**
12 **are allowed to exist under these regulations in the Height**
13 **Act** as long as the dome does not result in an appearance of
14 a raised building for more than 30 percent of the wall in
15 which it's located. In this case, the dome is not on a
16 building wall but it's set back from that wall. And this
17 consideration would not apply to give it the appearance of
18 a raised building.

19 And so this drawing that we're all looking at, it
20 looks flat. And so it's almost like, well, are they on the
21 same plane? No. The dome is set back from that -- which is
22 labeled the cornice -- is a setback from that facade which
23 is set by the columns supporting the roof. And so it does
24 not sit upon the wall. The dome does not sit upon the wall
25 leading to this 30 percent extension.



ZA Determination Regarding Human Occupancy Under the Height Act | 1920 N Street NW

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

December 17, 2013

By US Mail and Email PDF

Allison Prince
 Goulston & Storrs
 1999 K Street, NW, 5th Floor
 Washington, DC 20006



Re: 1920 N Street, NW and 1233 20th Street, NW – Lots 75 and 76¹, Square 116
 (the "Property")



Although the ceiling of the portion of the top floor comprising the Embellishment is the top of the Embellishment, the upper volume of such space, including that above 130 feet is not usable by building occupants on the top floor. As a corollary, if there were a ceiling constructed all the way across the proposed building, at a height of 130 feet, the portion of the Embellishment above 130 feet would not be able to function as a non-compliant roof space since it is obstructed by the beams and the ceiling height would be too low. Further, the portion of the Embellishment over 130 feet will not contain any air-handling ductwork or other mechanical items to render it as occupiable space. The Embellishment is also separate from, has no direct communication with, and is below the height of the project's roof structure.

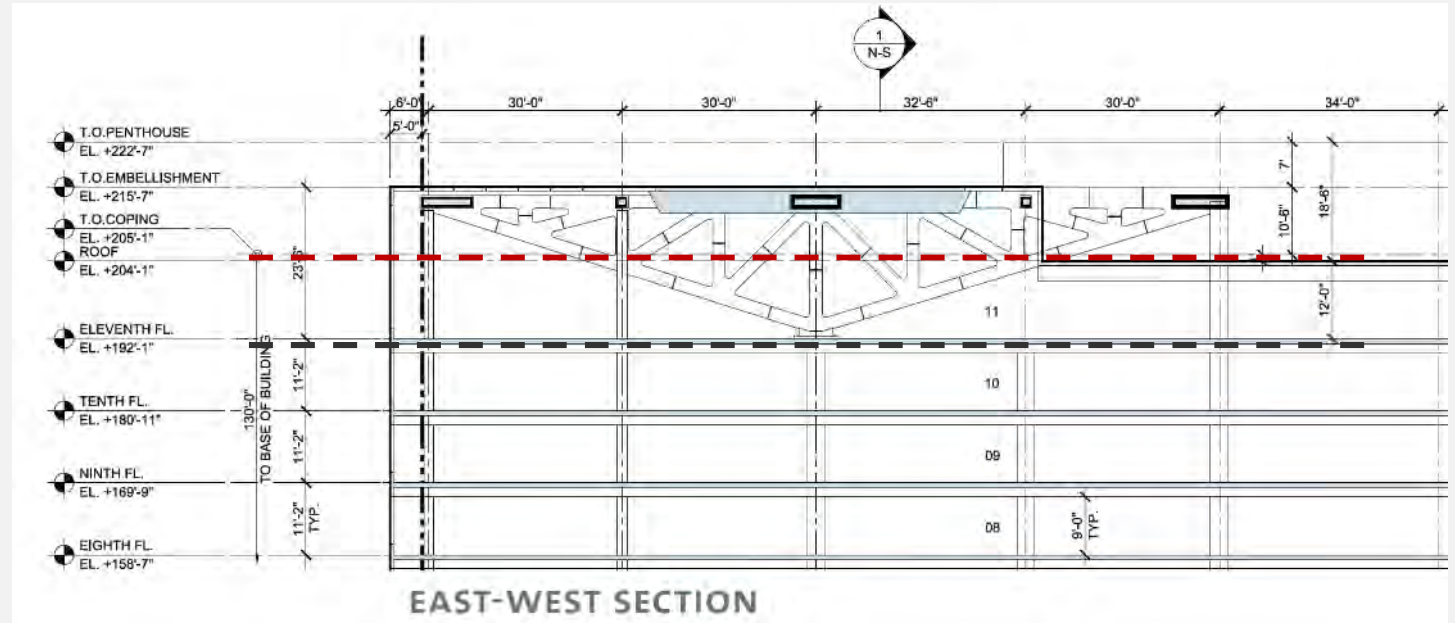
The mere fact that a portion of the top occupiable floor's ceiling happens to be the top of Embellishment does not render the portion of such space over 130 feet occupiable. In fact, there are similar situations in buildings all over the city where the ceiling of an occupiable floor is located above the relevant Height Act height. Such situation occurs in publicly accessible atriums all over the city. In such situations, although the users of occupiable space are located at the ground level of a building, there is no structure, and no ceiling, separating such users from the ceiling of the atriums above 130 feet. Such precedent exists in cases both approved by the D.C. Zoning Commission and similar bodies as well as those that proceeded as a matter-of-right.

In light of the above discussion, the Zoning Regulations and the Height Act permit architectural embellishments above 130 feet and the Embellishment is permitted as designed.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,

Matt Le Grant
 Zoning Administrator



OCC Interpretation Regarding Human Occupancy Under the Height Act

Jul. 27, 1953

TO: THE COMMISSIONERS

IN RE: Whether penthouses may be constructed above the height limits established by the Act of Congress approved June 1, 1910, regulating the height of buildings, for purposes other than to cover elevator shafts; and whether the presence of an operating engineer in such penthouses constitutes "human occupancy" within the meaning of such Act.

There have been referred to this office for an opinion certain questions which have been raised by the Chief Engineer of the Department of Inspection, relating to the permissible use of penthouses constructed above the height limits established by section 5 of the Act of Congress approved June 1, 1910 (36 Stat. 452, as amended; sec. 5-405, D. C. Code, 1951 ed.). These questions may be expressed briefly as follows:

1. May the Act of June 1, 1910, permitting the construction of "penthouses over elevator shafts" to a greater height than any limit set by the Act, be construed to permit the construction of penthouses for the purpose of housing air-conditioning equipment, heating equipment, and perhaps other kinds of equipment which ordinarily might be located within a building?
2. Does the phrase "human occupancy" as used in the Act of June 1, 1910, in connection with the construction or use of penthouses, preclude the presence of an operating engineer in penthouses containing air-conditioning or heating equipment, including boilers?

The answers to the foregoing questions depend upon an interpretation of the last paragraph of Section 5 of the Act of June 1, 1910, the pertinent part of which reads as follows:

The term "human occupancy" moreover, perhaps should be construed in the light of the intent of the Congress in enacting the Act. The Congress, in specifically recognizing the necessity for elevator machinery above the height limit, obviously did not intend that no elevator machinery repairman could enter the penthouse over such machinery for the purpose of repairing it. Yet in one sense this is "human occupancy" of such a penthouse.

The term "occupancy" means, to quote Webster's New International Dictionary, 2nd Edition, the "act of taking or holding possession". An "occupant", to quote the same authority, is "one who occupies or takes possession; one who has the actual use or possession of a thing"; "occupy" means "to take or enter upon possession of; to hold possession of, to hold or keep for use; to use"; while "occupation" means "actual possession or control". I am of the view, therefore, that the prohibition of "human occupancy", in the last paragraph of section 5 of the Act of June 1, 1910 was intended by the Congress to prevent the use of enclosed space above the height limit for residential, office or business purposes, either by the owner of a building or by any tenant holding under him, but was not intended to preclude the use of such space in connection with the maintenance of such building and the operation of its utilities. I am of the view, therefore, that the last paragraph of section 5 of the Act of June 1, 1910, does not prohibit the presence of building maintenance personnel in fireproof structures constructed above the permissible height limit.

In summation, I caused a study to be made of the Act approved June 1, 1910, and the legislative history of such Act, with particular reference to the last paragraph of section 5 of such Act, as a result of which I have concluded that the phrase in such paragraph, "penthouses over elevator shafts", may be construed to include penthouses over stairways leading to the roof and penthouses over other utilities necessary in connection with the operation of a building, but not to include penthouses to be used for residential, office or business purposes. Further, I have concluded that the term "human occupancy" as it is used in such paragraph should be construed to preclude the construction or use of penthouses for residential, office or business purposes, but not to preclude the presence in such penthouses of building maintenance personnel charged with the operation and maintenance of the building's utilities.

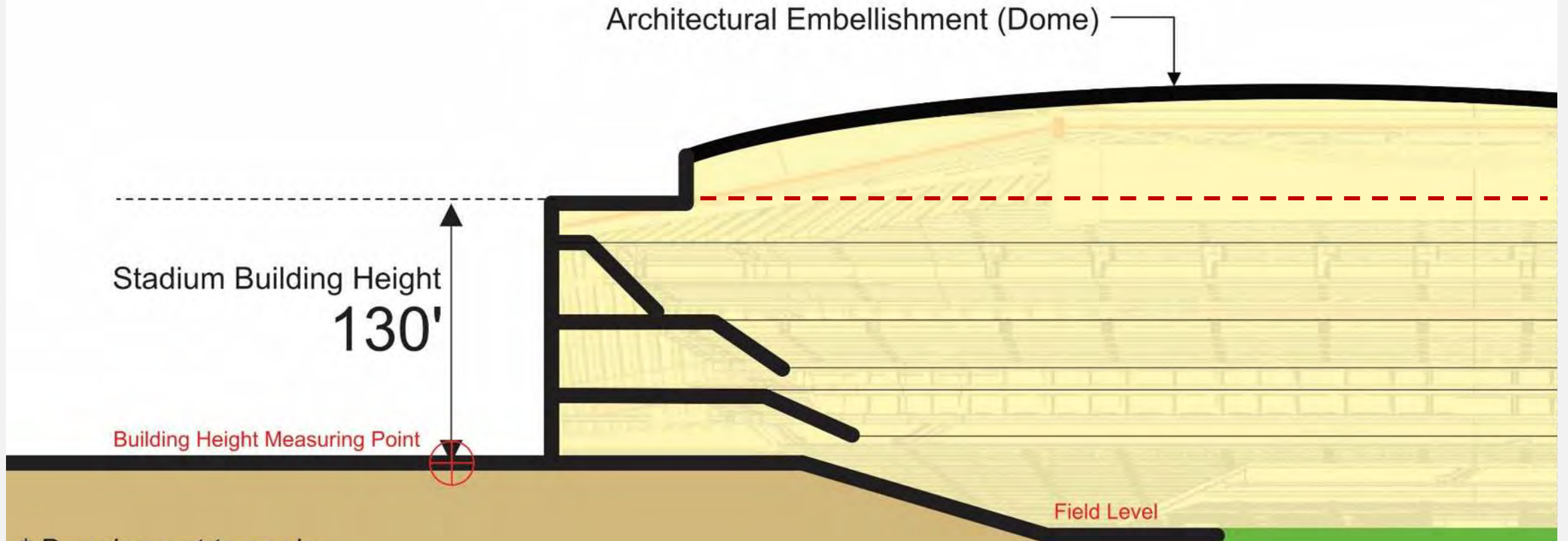
Architectural Embellishment (Dome)

Stadium Building Height
130'

Building Height Measuring Point

Field Level

* Drawing not to scale



Determination of Allowable Building Height

- The new stadium location may utilize the East Capitol Street right-of-way located to the east of 22nd Street to determine the maximum permitted building height under the Height Act?
- The width of the East Capitol Street right-of-way is 388 feet (including two, 114-foot areas dedicated for highway purposes on the Street Closing Plat), or 160 feet (original East Capitol Street dedicated right-of-way).
- The maximum permitted building height for the new stadium under the Height Act is 130 feet.

Location and Elevation of Building Height Measuring Point (“BHMP”)

- The BHMP can be located at the level of the sidewalk on the portion of the East Capitol Street right-of-way located east of 22nd Street.
- The elevation of the BHMP on the portion of East Capitol Street east of 22nd Street will be determined using up-to-date survey information at the time of permitting of the new stadium.

Exemption from Height Act Limitations

- The Height Act allows domes to exceed the maximum permitted building height.
- For purposes of the Height Act, the height of the new domed stadium shall be measured to the highest point of the exterior vertical building wall above the top level of stadium seating, and all portions of the dome structure (or area / volume) exceeding this height shall not be used for “human occupancy.”
- For purpose of determining Height Act compliance, the new stadium dome will be deemed not capable for “human occupancy” provided no part of the dome contains any floor or compartment that would permit individuals to congregate within the area / volume of the dome, and all stadium seating is located entirely below the maximum permitted building height of 130 feet. Any temporary occupancy of the area / volume 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.