

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING
CASE NO. 08-06
(Comprehensive Zoning Regulations Rewrite: Chapter B-2 and B-4)
September 20, 2010**

**Testimony Presented on Behalf of Neighbors United Trust
Alma Hardy Gates**

Good evening members of the Commission. My name is Alma Gates. I am a member of the Zoning Task Force.

It is fitting, that in this Centennial Year of the Height Act, the Zoning Commission is considering the subject of "Height."

In 2003 the Office of Planning (OP) recommended, and the Zoning Commission approved, a code change to clarify and reaffirm that the intent of the Zoning Regulations was to measure the height of buildings from the ground, and not from an artificially created measuring point, in determining their allowable height." Zoning Case 02-35, determined that the height of buildings is the "*the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet. The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet.*" A new definition for Natural Grade was also adopted: "*the undisturbed level formed without human intervention or, where the undisturbed ground level cannot be determined because of an existing building or structure, the undisturbed existing grade.*"

Why would the Zoning Commission consider relaxing or revising its previous Order? Won't this create the potential for inconsistent building heights; opening the door to creative interpretation of the "General Rules of Measurement;" and, for the Roslynization of the Washington viewshed?

While the Comprehensive Plan recognizes areas of the city exist that need to be reconnected and relinked to maintain the continuity of the street network over sunken

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freeways and railroad overpasses and underpasses; it does not recommend changing the zoning code or the Rules of Measurement to accomplish this goal.

No one is complaining that the regulations are unclear and while it has been widely acknowledged that economic development is driving city planning, the zoning code should not give designers of the urban landscape carte blanche to change the horizontal skyline of the District for personal gain or attribution.

OP's proposed changes appear to attack the established policy upon which people have relied since zoning began in 1956 (Lewis Plan), that the height of buildings is measured from the ground, and not from an artificially created measuring point, in determining their allowable height."

I strongly encourage the Zoning Commission to adopt only the following language for proposed § 402.4:

- 402.4 Where the curb *at* grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation, the height of a building shall be measured from either:**
- (a) A street frontage not affected by the artificial elevation; or**
 - (b) The lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet.**
 - (c) Omit**
 - (d) Omit**

In May, Larry Beasley ended his presentation on "The Equation of Height and Density in the Form and Economy of Washington, D.C. in the 21st Century" with this caveat, "So I close with a cautionary note. Be very careful as you gamble with the 100-year legacy of Washington's Height Act. Take care not to open things up too casually, I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling."