

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
PUBLIC HEARING FOR THE PURPOSE OF CONSIDERATING
CASE NO: 08-06**

**(Comprehensive Zoning Regulations rewrite: Chapter B-2 and B-4
September 20, 2010)**

**Testimony Presented on Behalf of ANC3D
Ann F. Heuer**

ANC3D reviewed CASE NO: 08-06 of the Comprehensive Zoning Regulations Rewrite, Chapter Four: Height, and thanks the Zoning Commission for removing all references to the Height Act for the purposes of measuring height in low to moderate density residential zone districts by street width. It would have been most inappropriate as many of our residential streets have varying elevations, with hills, slopes and ravines.

ANC3D testified in 2006 on the Proposed Amendment to the Zoning Regulations and in 2008 on the proposed policy recommendations on the Comprehensive Zoning Regulations rewrite. We have modifications that we would like to recommend.

To clarify the intent of § 402.5, insert a comma after the word dwellings, and a comma after the word height, and replace “ground level” with “natural grade”. The section would now read, “One family dwellings, and any building setback from all lot lines by a distance at least equal to its own height, shall be measured from the natural grade at the midpoint of the building face closest to the nearest public right-of way.”

In the case of residential properties, ANC 3D also recommends adding the phrase “the highest point of the roof or parapet” to prevent the mischief that occurs between the ceiling of the top floor and the top of the roof and allows a fourth story to be created after the final zoning inspection has taken place.

In September 2008, OP suggested the following definition, “The ‘natural elevation’ or ‘natural grade’ of a property is the ground elevation that existed immediately prior to the issuance of the first building permit, including a raze permit, needed to begin construction of the building for which a height measurement is being made.” [Because little land in the District of Columbia is undisturbed or without human intervention, incorporating the proposed definition for “natural grade” would prevent the site from being artificially raised for purposes of increasing height prior to filing for a building-related permit. Where a viaduct or other artificial elevation may exist, the height of a building will not be measured from the human-constructed elevation, but from a street frontage not affected by the artificial elevation.]

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In § 402.6 add the word ALL before building, making buildings plural, or indicate whether the reference is to commercial or residential buildings. In other categories (garages, accessory buildings, 60' & 90' districts, measurement is made to the highest point of the roof. ANC3D advocated this measurement in 2006, and also 2008. Our position has not changed.

Section 400.2 is too ambiguous, subjective and open to many interpretations. ANC3D has many mixed use blocks, and commercial blocks that abut residential blocks. Transition areas (between residential and business/commercial) need to ensure height; massing and setbacks are consistent with the character of surrounding districts. Light and air to neighboring properties are very important to buildings throughout the ANC3D area, but who determines “what is adequate?”. We encourage the Zoning Commission to direct OP to provide clarification to the intent of the chapter on low-to-moderate density districts when it is written.

Thank you and I would be happy to answer any questions you may have.