CAPITOL HILL RESTORATION SOCIETY
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March 17, 2003

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Zoning Commission for the District of Columbia
441 4th Street, N.W., Room 220 South
Washington, D.C. 20001

Re: Case No. 02-35 (text Amendment – Building Height Measuring Point.)

Honorable Members of the Commission:

This letter presents the views of the Capitol Hill Restoration Society regarding the above referenced case. This letter is filed for inclusion in the record of the case.

The Capitol Hill Restoration Society strongly SUPPORTS the text amendment proposed by the Office of Planning to better define building height in the zoning regulations.

The Society became concerned when the H Street Overpass was used as the measuring point for buildings constructed beside it. This issue played a prominent role in plans for a building along the railroad tracks north of Union Station. This is the site of the Station Place development now under construction. But, unlike Station Place, which is being built as a PUD, the earlier development was proposed as a matter-of-right project. Without the additional flexibility of a PUD development, the earlier project had to rely on measurement from the H Street Overpass to get the amount of height that the developer felt was needed.

Although the earlier project north of Union Station fell victim to a downturn of the economy, the issue of measurement from the Overpass resulted in an amendment to the Ward 6 portion of the Comprehensive Plan. Neighborhood and community organizations supported the amendment that states:

> Require any building located directly adjacent to the H Street Overpass to measure its allowable height (from street level to parapet and permissible penthouses) from the existing grade of Second Street, N.E., or First Street, N.E., and not from any part of the Overpass itself.

The action proposed in this case is consistent with the Comprehensive Plan; in fact, it carries out the Council's direction in this amendment. Moreover, it generalizes the definition of height to include all elevated structures, not just the H Street Overpass. This is necessary to prevent resourceful developers from attempting to measure height from other elevated structures.

We have examined the submission dated September 9, 2002, from Holland and Knight to the Zoning Commission. Their argument is that the 1910 Height Act trumps not only the

ZONING COMMISSION
District of Columbia
Case 02-35
Exhibit

ZONING COMMISSION
District of Columbia
CASE NO.02-35
EXHIBIT NO.17

action proposed in this case, but also the Comprehensive Plan amendment. We think that they overstate their case. We doubt that the Congress envisioned the use of elevated structures as measuring points for buildings. If they had, they would have said so. Since the purpose of the Act was to *limit height* of buildings, it seems illogical to conclude that Congress intended to give a *height bonus* to buildings beside an elevated structure.

We are pleased to see that the Office of Planning Memorandum of January 30, 2003 proposes a new definition of "Natural grade." For too long what the OP characterizes as "generous interpretations" of the point from which height is measured have been abused by developers and builders. The list of abuses on page 2 of the OP memorandum attests to the skill with which developers have convinced zoning administrators to grant matter-of-right heights that adversely impact neighboring properties. We on Capitol Hill have seen our share of these ploys, from the artful adjustment of grade to attain more matter-of-right height, to connecting buildings together in order to claim frontage on a wider street. It is time to bring such practices to an end and the proposed new definition will help do that.

Respectfully submitted,

The Capitol Hill Restoration Society, Inc.

By: _____
Richard N. Wolf
Chair, City Planning Committee

By: _____
Lyle R. Schauer
Chair, Zoning Committee