(Prepared Testimony of John Finney, Chair ANC3D, before Zoning Commission on March 17 re Permissible Heights of Homes)

MADAM CHAIR:

I AM JOHN FINNEY, CHAIRMAN OF ANC-3D THAT COMPRISES PALISADES, KENT, SPRING VALLEY, AND WESLEY HEIGHTS. I VERY MUCH APPRECIATE THIS OPPORTUNITY TO ADDRESS THE BUILDING HEIGHT ISSUE THAT IS OF SUCH CONCERN TO RESIDENTS THROUGHOUT THE CITY.

OVER THE PAST SEVERAL YEARS OUR NEIGHBORHOODS HAVE EXPERIENCED MANY SITUATIONS WHERE DEVELOPERS BULLDOZE NICE SMALL HOUSES AND ERECT HUGE, OUT-OF-CHARACTER BUILDINGS THAT WE FEEL VIOLATE THE MUNICIPAL REGULATIONS. ALTHOUGH THERE IS A REQUIREMENT THAT MEASUREMENT SHALL BE MADE FROM THE CURB TO THE HIGHEST POINT OF THE ROOF OR PARAPET, ZONING OFFICIALS ELECT TO USE AN ALTERNATIVE THAT PROVIDES RESIDENTIAL HOUSES MAY BE MEASURED FROM THE FINISHED GRADE TO THE CEILING OF THE TOP STORY. THE ZONING OFFICE ALWAYS USES THIS "MAY" PROVISION AS A MATTER OF RULE. THE EFFECT, OF COURSE, THAT THERE IS NO HEIGHT LIMIT AT ALL FOR RESIDENCIAL BUILDINGS SINCE THERE COULD BE MANY MORE FEET ADDED ABOVE THE TOP CEILING!

IT SHOULD BE NOTED THAT MEASUREMENT TO THE "HIGHEST POINT OF THE ROOF OR PARAPET" CONTROLS ALL OTHER CASES IN THE DISTRICT OF COLUMBIA, INCLUDING BUILDINGS LIMITED TO 50 FEET, THOSE LIMITED TO 90 FEET, AND A BUILDING REMOVED FROM ALL LOT LINES BY A DISTANCE EQUAL TO ITS PROPOSED HEIGHT. ADDITIONALLY, THE HEIGHT OF AN ACCESSORY BUILDING IS MEASURED TO "THE HIGHEST POINT OF THE ROOF," AND PROVISIONS IN SOME SPECIAL OVERLAYS CALL FOR MEASUREMENT "TO THE HIGHEST POINT OF THE ROOF OR PARAPET." ONLY IN RESIDENTIAL DISTRICTS WHERE BUILDINGS ARE LIMITED TO 40 FEET ARE THE MEASUREMENTS MADE TO THE CEILING OF THE TOP STORY.

LOOKING FOR GUIDANCE IN MANY OTHER JURISDICTIONS WE HAVE FOUND NONE THAT MEASURES VERTICAL DISTANCE TO THE CEILING OF THE TOP STORY. THIS TRULY IS AN UNWARRANTED ANOMALY.

A SECOND PROBLEM IS THAT CURRENTLY THE ZONING OFFICE MEASURES FROM "THE FINISHED GRADE LEVEL AT THE MIDDLE OF THE FRONT OF THE BUILDING." THIS HAS RESULTED IN DEVELOPERS

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CHANGING THE LANDSCAPE, OFTEN "MOUNDING UP" EARTH TO ACHIEVE GREATER HEIGHT AND OVERSHADOW NEIGHBORS.

ZONING RULES WRITTEN IN TITLE 11 OF THE MUNICIPAL REGULATIONS ARE SUPPOSED TO BE DESIGNED TO PROTECT THE CHARACTER OF THE VARIOUS NEIGHBORHOODS IN THE DISTRICT OF COLUMBIA, PREVENT OVERCROWDING OF LAND, AND PROVIDE ADEQUATE LIGHT AND AIR. THE IMPLEMENTATION OF THIS STATED AND WORTHWHILE GOAL IN REGARDS TO BUILDING HEIGHT FAILS THE TEST.

IN DECEMBER OUR ANC VOTED TO RECOMMEND A CHANGE IN THE MANNER THE OFFICE OF ZONING MEASURES RESIDENTIAL BUILDING HEIGHT, AND THE SUGGESTED AMENDMENTS WERE TRANSMITTED TO THE ZONING COMMISSION. WE HAVE RECEIVED SUBSTANTIAL SUPPORT FROM OTHER ADVISORY NEIGHBORHOOD COMMISSIONS AND VARIOUS CITIZENS' ORGANIZATIONS.

I, ALONG WITH MY ZONING TASK FORCE MEMBERS AND REPRESENTATIVES FROM OTHER ANC AND COMMUNITY ORGANIZATIONS, MET WITH MR. DAVID MCGETTIGAN AT THE OFFICE OF PLANNING LAST MONTH. IT WAS A MOST CONSTRUCTIVE SESSION, AND MR. MCGETTIGAN GAVE US A LOT OF TIME AND HIS IDEAS ON ADDRESSING THE HEIGHT PROBLEM.

MR. MCGETTIGAN HAS PRESENTED THE ZONING COMMISSION WITH A RECOMMENDATION FOR CHANGING HEIGHT MEASUREMENT. WHILE IT DIFFERS IN SOME RESPECTS FROM THE ANC-3D PROPOSAL WE CAN WHOLEHEARTEDLY SUPPORT IT WITH SEVERAL MODEST CHANGES.

FIRST, DELETE THE LANGUAGE "IN THE CASE OF A PROPERTY FRONTING ON A BRIDGE OR VIADUCT" SO THE PROVISION ALSO WOULD APPLY TO BUILDING FACING A STREET. I SEE NO REASON FOR A DOUBLE STANDARD! IF IT IS APPROPRIATE TO USE THE RECOMMENDED MEASUREMENT FOR BUILDINGS FACING BRIDGES OR VIADUCTS WHY WOULDN'T IT ALSO BE PROPER MEASUREMENT FOR BUILDINGS FACING A STREET?

MADAM CHAIR, IF IN ITS WISDOM THE COMMISSION AGREES WITH MY SUGGESTION ONE OTHER AMENDMENT WOULD BE NECESSARY: THE LANGUAGE IN SECTION 199.1 STATING THAT "THE HEIGHT OF THE BUILDING MAY BE MEASUED FROM THE FINISHED GRADE LEVEL AT THE MIDDLE OF THE FRONT OF THE BUILDING TO THE CEILING OF THE TOP STORY" WOULD HAVE TO BE DELETED.

ALSO, SINCE THE MCGETTIGAN DRAFT ADDS A NEW DEFINITION FOR "NATURAL GRADE" IT PROBABLY WOULD BE WELL TO ADD A DEFINITION FOR FINISHED GRADE. WITH SOME MODESTY I SUGGEST THE FOLLOWING: "FINISHED GRADE – THE GRADE LEVEL THAT THROUGH HUMAN INTERVENTION HAS BEEN RAISED OR LOWERED FROM THE NATURAL GRADE."

THERE ARE OTHER CHANGES THAT I ALONG WITH THE ANC-3D ZONING TASK FORCE AND REPRESENTATIVES FROM OTHER NEIGHBORHOODS WOULD LIKE TO SEE IN THIS SECTION, BUT CONSIDERATION WOULD TAKE MONTHS. THEREFORE, IN THE DESIRE TO ACCOMPLISH SOMETHING MEANINGFUL TODAY WITHOUT DOING VIOLENCE TO THE OFFICE OF PLANNING RECOMMENDATION I – ON BEHALF OF MY ANC – ENDORSE AND SUPPORT THE OFFICE OF PLANNING'S AMENDMENT WITH THE CHANGES I HAVE SUGGESTED.

THANK YOU AGAIN.