March 31, 2003

Case No. 02-35
Text Amendment- Definition of Building Height

Testimony of Harriet B. Hubbard in Opposition
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D.C. ZONING COMMISSION

I appear before you in opposition because I think you should return this proposed change in the height regulation to the Planning Department and ask them to prepare a new regulation, comprehensive in nature, which addresses the problems we have encountered in the past years with the present regulations as well as the new situation developing after September 11th, and the new push to restore tree-lined streets. My suggestions are as follows:

1. As concerns height, from curb at grade or below grade or above grade, we need to know what the sub-structure of the underground of DC is, especially in the area from the escarpment at Florida Avenue South, on the soft substructure of made land, and as we approach the river edge. Some of you may know that Pennsylvania Avenue between the Treasury Department and the Capitol is sinking very rapidly and that we will have to resurface the area at a lower level and thus then recognize a lower height. Many times over the years it has been necessary to install pumps in deep underground parking garages and Metro stations in this area, at great expense.

If the area is sinking or is water-logged, buildings of a low height, say 40 or 50 feet, are indicated no matter what the use because the physical stability of lighter buildings is less threatened by the water table. Only one story of underground use should

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be allowed. Also, it would be wise to ask if there is any chance of the water level of the Potomac rising in the foreseeable future. We should remember that at the time Washington was laid out the river was deeper, navigable to Georgetown, and that the area was underlain by a fresh water aquifer which is now salt water. The river has silted up. We live on an estuary which has changed substantially in the past 200 years. These changes should be reflected in planning, zoning, and building regulations.

We have interfered with the flow of underground water from the escarpment by building huge underground parking garages and the metro system. For example, the basement of the Lincoln Theatre is full of water today whereas this flooding did not occur when it was built. High buildings are heavy and require underground parking and should be banned by the Zoning Commission under its authority to guard against overuse of land. My recommendation would be to lower heights and limit basements or parking to one layer underground. We should remember that George Washington promulgated the height limit at 40 feet and solid masonry construction.

2. The Lewis plan, on which our current zoning regulations are supposed to be based, prescribed not only the freeways but also that all the streets should be 90 feet wide and alleys 20 feet wide and an almost complete destruction of the L'Enfant plan and the buildings in it. The street widening did not occur. We still have L'Enfant squares with 30 and 20 foot streets and 10 and 15 foot alleys. The city has been defaced by commercial garage entrances on the street in support of the parking requirements for high commercial buildings. If the buildings were lower and the original alley system maintained, traffic congestion on the streets would be less, although this is not the only

consideration. For example, in Georgetown changes in land use have added to congestion. When Georgetown Park and other commercial uses below M Street were added the commercial space of Georgetown was doubled but the streets remained the same width. This accounts for a great deal of the traffic congestion and parking difficulties. Many of these new buildings have their height measured from the front entrance which is at the highest point of the site. Since the buildings are on a slope this gives an enormous FAR to the site—and increase encouraged by the flexibility of the PUD regulations.

The height of buildings on slopes should be limited at all points to the height at the front entrance.

Another example of the poor effect of measuring buildings at the front entrance is the Hilton Hotel which is measured at a high point near Connecticut Avenue but gives a 12 story building on 30 foot wide 19th Street across the street from low R5B buildings. The Hilton is also a PUD which includes the Universal Building. I recommend the abolition of the PUD regulations. These were an invention of the 1958 plan and regulations, but they have been perverted from their original intentions. The zoning commission cannot act speedily enough to abolish PUD regulations. I have written a history of the PUD regulations which you will find in the files.

Another example of the poor results of PUD regulations is the Heurich Mansion PUD. We now have the inappropriately tall office building to the north while the 20 year money contribution to the repair of the mansion has expired which was claimed as a public benefit.

3. We now have historic districts but not enough of them. In these districts the height should be limited to the height of the majority of the historic buildings which is always low, 40 or 50 feet or so. This is true on 16th Street.

I recommend that we adopt the Paris regulation which says that no building can be built which can be seen from or is in a historic district which is higher than the historic buildings. They have the height data on a computer and thus can inform a developer if his proposed building complies with regulations immediately. In Paris they have violated this law several times. For example, the Pompidou Center in the Marais, right in the middle of a historic district, and one of the ugliest buildings in Paris, is too high.

4. Another change in the height law should be that a building must be built up the to the height allowed. For example, we have building on 14th Street just below U, used as a post office, which is only one story high. This was built before the area was made into a historic district. It is an ugly modern building but would look better if kept to the roof line of the street.

5. Furthermore, with regards to the height measurements, roof structures should be included in measuring height. We now have 15 and 18 foot roof structures. They are like warts on top of the city. Other cities in American do not have this problem. It is possible to incorporate elevator housing as well as air conditioning and cable television equipment into the top floor of a building and make it architecturally attractive.

6. The city should consider that a reason for lowering heights is national homeland security. Firefighters and emergency workers can cope with low buildings much more easily than with high buildings. What happened in New York on September 11th exemplifies this point.

7. Also, streets where trees are supposed to grow, and remember that street trees are one of the most pleasing features of Washington, buildings must be low enough to allow the sun to reach the trees. The Brookings PUD is one example of how buildings inhibit tree growth on P Street.

In connection with any application to the Zoning Commission or the BZA, poor effects on tree growth should be added to the considerations which would cause an application to be denied.

8. Buildings built by DC government should conform to the zoning regulations. The new convention center as well as the old one have no parking, close DC streets. The new one is too high, overpowering the neighboring buildings and streets, and has no traffic plan. When the new convention center was being planned these considerations were brought up with Mrs. Jarvis at the City Council. She claimed that DC had an exemption like the Federal Government from conforming to the zoning regulations. This is not in any law.

The Federal Government, through the NCPC, though not required to in so many words, had a tacit obligation to comply with the zoning regulation as to height and parking and bulk, when building federal buildings.

The Reeves Center is another example of non-compliance with zoning regulations. Many feel that though the use may be favorable to the future of U Street, the height and architecture are very unattractive. In writing the new Comprehensive Plan, or better, right now before the plan is written, the City Council should require the city to conform to zoning regulations and approval by the DC Zoning Commission in connection with any new buildings.

9. The council should also require that alley and street closings be done by the zoning commission. We brought the desirability of doing this to the council in 1974 but the council refused to listen to the citizens. Many of the ugliest street fronts where parking garage entrances dominate commercial frontages were created as well as permanent traffic congestion. 19th Street NW is an example of this. The height and use of buildings on 19th Street, and especially the height, has contributed to the traffic congestion.

Any zoning device which transfers height from one zone to another or within a zone or which is allowed or encouraged because of some claimed public benefit should be abolished, except those specifically mentioned in the 1910 Height Act.

Incidentally and politically, Donna Brazil, formerly the campaign manager for Al Gore who is reported to be running for the House of Representatives seat now occupied by Mrs. Norton, has stated that she intends to have the 1910 law repealed to allow skyscrapers in DC. Her efforts should be forestalled by quick action by the planning department, the zoning commission, and the city council.

Under the present law the office of historic preservation has power to delineate new historic districts. This is especially important north of Lincoln Park and in Columbia Heights.

Please remember that economically we'll benefit from what is proposed herein. In Georgetown, the height was lowered and the area made into a historic district between 1946 and 1950. Uses were also changed. The economic benefit has been great. In the Dupont Circle area some of the same efforts have been made and the economic benefits are appearing now.

I have a number of other suggestions for planning, rezoning, zoning and license enforcement and historic preservation, which I plan to write soon.

Harriet B. Hubbard

cc: Zoning Commission

Planning Department

City Council