NCPC
NATIONAL CAPITAL PLANNING COMMISSION

401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20576
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

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Executive Director

Patricia E. Gallagher, AICP

IN REPLY REFER TO:
NCPC File No. Z.C. 02-35

OCT 0 8 2003

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

In response to your request, pursuant to delegations of authority adopted by the Commission on August 6, 1999, I have reviewed the proposed text amendment to the Zoning Regulations of the District of Columbia regarding the definition of building height and natural grade and found that the proposal would not adversely affect the identified federal interests.

A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosure

ZONING COMMISSION
District of Columbia
Case No. 02-35
Exhibit 35

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

NCPC File No. ZC 02-35

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

TEXT AMENDMENT TO THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA REGARDING DEFINITION OF BUILDING HEIGHT AND NATURAL GRADE

Delegated Action of the Executive Director
SEP 25 2003

Pursuant to the Commission's delegation of authority adopted on August 6, 1999, I find that the proposed text amendment to District of Columbia Zoning Regulations regarding the Definition of Building Height and Natural Grade would not adversely affect the identified federal interests.

* * *

The District of Columbia Zoning Commission has taken a proposed action to amend the text of the District of Columbia Zoning Regulations so as to clarify the definition of height of building and to add a definition for natural grade. The intent is to provide a more precise definition of how the height of a building is measured for zoning purposes.

The proposed text amendment has two components which will amend Section 199 – Definitions in the District of Columbia Zoning Regulations. First, the action amends the definition of height of building by inserting the following text into the definition:

> 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.

The second aspect of the text amendment adds a new definition regarding natural grade to Section 199. The proposed new definition is as follows:

> **Natural grade** – 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.

The federal interest related to this proposed text amendment is the Height Act of 1910 and the legal height limits established in that act. It is a significant federal interest to ensure that no building regulated by zoning will be allowed to be built to a height which may violate the Height Act or negatively impact the visual character of the National Capital the law seeks to protect.

It is my conclusion that the proposed text amendment strengthens the intent of the height act and will provide a clearer measure of buildings to ensure their compliance with the Zoning Regulations and the Height Act of 1910. Therefore, the proposed text amendment will not negatively affect any federal interest.

Patricia E. Gallagher, AICP
Executive Director