GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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To: District of Columbia Zoning Commission

From: Ellen McCarthy, Interim Director

Re: Final Report on Zoning Commission Case No. 04-31: Proposed Amendments to 11DCMR §199 Definitions of Clear Height, Floor to Ceiling, and of Clear or Low-Emissivity Glass

Date: March 21, 2005

PROPOSED AMENDMENTS TO ZONING REGULATIONS

On November 8, 2004, the Zoning Commission voted to advertise the following text amendments to 11 DCMR:

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Section 199.1 DEFINITIONS

CLEAR HEIGHT, FLOOR TO CEILING

Floor to ceiling height is a vertical distance measured from the finished floor to the finished ceiling that is unobstructed by any of the following:

- ***a) Elements of the building structure other than columns and walls;***
- ***b) Components of mechanical or plumbing systems; or***
- ***c) Components of electrical systems, except lighting fixtures.***

If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements or systems referenced in a), b), or c) above.

ZONING COMMISSION
District of Columbia
CASE NO. 04-31
EXHIBIT NO. 4

Section 1991. DEFINITIONS

GLASS, CLEAR AND/OR LOW-EMISSIVITY

Clear or Low-Emissivity Glass has a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%).

ZONING COMMISSION
District of Columbia
CASE NO.04-31
EXHIBIT NO.4

The advertised language had been recommended by the Office of Planning (OP) because the Zoning Regulations currently or prospectively contain multiple overlays, sub-areas or text amendments specifying that ground floors of buildings must have certain minimum floor to ceiling clear heights, or use clear or low-emissivity glass. These specifications reflect new industry standards for quality retail space and other space not intended for living units. The clear height is intended to be flexible enough to change with interior and market needs over time, and to stimulate pedestrian activity. The clear glass is intended to re-enforce the relationship between the interior and exterior of buildings, particularly for pedestrians at the ground floor level of retail overlays.

As noted in its October 29, 2004 report, the Office of Planning (OP) believes it would simplify the Zoning Regulations to define these terms once, rather than defining them repeatedly within individual overlay or sub-district regulations.

DISCUSSION OF PROPOSED AMENDMENTS

Clear Height Definition
The reference to clear height has been included in several overlays and text amendments over the last few years. The proposed language reflects the consensus that has emerged from the conversations among OP, the Zoning Commission, builders, architects, retailers and other interested parties.

The identical language for defining clear height in the present Case No 04-31 was advertised by the Commission as part of Case No. 04-16, the Takoma Neighborhood Commercial Overlay Case No 04-27, the advertised H Street Northeast Neighborhood Commercial Overlay, establishes "minimum clear floor to ceiling height" for sections of that corridor. The advertised language for the ground floor height in the Mount Vernon Triangle sub-area of the Downtown Development District (DD), Case No. 04-18, is the same as the proposed language in the present case.

Retroactively, while a certain "minimum floor to ceiling height" is required in the adopted South East Federal Center Overlay District, and would be required under an advertised amendment to the Capitol Gateway Overlay District, the proposed definition would not apply to these districts, because the term "*clear* height" [italics added] is not specifically used in these sections of the regulations.

Prospectively, however, having floor-to-ceiling clear height defined in one place in the Zoning Regulations would help to establish consistency among the zoning overlays currently being considered, and would negate the need to redefine the term within new overlays the Commission may consider in the future.

Clear Glass Definition
The measurable definitions are intended to ensure that clear or low-emissivity glass is actually clear enough to allow pedestrians to easily see into the preferred use spaces of the ground floors of various overlays. Some of the clear glass in the Uptown Arts overlay, for example, is transparent, but so heavily tinted that it is difficult to see through it from the sidewalk. Defining "clear" and "low emissivity" helps ensure that the objectives of the various overlays are met, and ensures predictability for developers.

The definition is based on glazing industry standards. It is the same language that was set-down by the Zoning Commission for consideration as part of the Mount Vernon Triangle sub-area of the DD. If

adopted, the definition would apply to clear and/or low-emissivity glass references throughout the Zoning Regulations.

COMMUNITY AND GOVERNMENT AGENCY COMMENTS

As of March 9, 2005 there had been no comments filed on the advertised language

CONCLUSION

The Office of Planning recommends the Zoning Commission adopt the proposed definitions

emc/slc