

September 22, 2008

DC Zoning Commission
441 4th Street NW
Suite 210 South
Washington, DC 20001

Re: Zoning Case No. 08-06-1
Amendments to the Zoning Regulations regarding Height

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D.C. OFFICE OF ZONING
2008 SEP 24 AM 10:14

Dear Members of the Commission:

I am very excited about the prospect of having a document that clearly codifies the zoning rules and regulations in the District of Columbia, and commend the work of the Office of Planning and working groups that have been supporting this effort. With a few exceptions, I believe the proposed height amendments, if approved, will provide architects with a reference document that offers greater clarity and direction than what is offered under the current regulations.

However, I do have concerns regarding some of the height proposals. A number of the proposals, if adopted, make significant changes to the existing regulations for which I do not see a good rationale or any clear improvement over the existing regulations. In our already height challenged environment, I believe an architect's design flexibility will be more limited if some of the proposed changes are codified. Furthermore, as a member of a professional community that cares about the health and vitality of the District, these changes could adversely affect the ability to maximize density in appropriate locations, i.e., in Downtown, near Metro stations and on other transit corridors.

My most serious concerns with the height proposals are as follows:

- The new regulations require that the actual height of a building be measured from the same street used to determine the maximum height (based on the width of the street). This proposal is inconsistent with the plain language of the Act of 1910, which has two different provisions, one addressing the height based on the width and a second specifying where the height is to be measured. This proposal is further inconsistent with decades of interpretations, including a definitive opinion of the Corporation Counsel, the District's chief legal officer, issued in 1950 and binding on all District agencies and employees which confirmed that the height could be measured from a different street than the one used for the width. Shalom Baranes Associates has designed many buildings over the past 25+ years which measure the height from a street different from the one used for the width. This has been the standard practice of the District in approving building plans and is a practice well-known in the architectural community. Therefore, I see no reason for that to change.

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-1
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EXHIBIT NO. 20
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CASE NO. 08-06-1
EXHIBIT NO. 20

- The proposed definition of a building, requiring parts of a building to share open access on at least half of the floors, is contrary to the way in which the District has applied the provisions of the current Zoning Regulations. The 1910 Act imposes height limits which constrain what can be built in the District. The current regulations, as applied to date, have achieved the desired results – a horizontal city with generally uniform cornice lines. Therefore, I see no reason why the District would want to impose greater restrictions and make it harder to achieve the heights permitted under current interpretations of the Act and the Regulations. In addition, sharing floors makes little sense and can be quite difficult in large phased projects, particularly mixed use projects, where the floor-to-floor heights for office and residential are different and the floor levels would not line up on the upper floors.

I believe that the proposed amendments noted above are backward steps that place undue and unnecessary restrictions on larger projects and limit an architect's design flexibility. I hope that the Commission will not adopt these particular proposals but instead will retain the language and interpretation of the current regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gilliland". The signature is fluid and cursive, with the first name "Mark" and last name "Gilliland" clearly distinguishable.

Mark Gilliland, AIA
Principal

cc: Neil Albert, Deputy Mayor for Planning and Economic Development
Harriett Tregoning, Director, D.C. Office of Planning