

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CASE NO. 08-06-1
COMPREHENSIVE ZONING REGULATIONS REWRITE: HEIGHT
Public Hearing, September 25, 2008
Testimony of Bill Crews,
SAVE DC ZONING

Good evening, I am Bill Crews, a resident of the Capitol Hill neighborhood in the District and a former Advisory Neighborhood Commissioner for SMD 6C07 as well as a former Zoning Administrator for the District of Columbia. I speak tonight on behalf of the group called SAVE DC ZONING.

In the District of Columbia the height of buildings is limited by an Act of Congress. This limitation is responsible for the scale of our city and is supported by the Comprehensive Plan.

Provisions of the Comp Plan related to height according to the Office Planning:

Chapter 2: Framework Element 205
Land Use Changes

These statistics alone do not tell the full story of land use in the District. Since 1899, building height has been *strictly* regulated, *giving the District a low visual profile* and preventing the construction of buildings over about 14 stories tall. In addition, much of the city consists of historic districts with limited capacity for growth. Even many of the areas that are not “officially” historic are fully developed and have little potential for change. 205.4

Despite these limitations, there is room for growth in the District of Columbia. 205.5

Connecting the City: Guiding Principles

31. The District’s *communities are connected by a shared heritage of urban design, reflecting the legacy of the L’Enfant Plan, the McMillan Plan, the Height Act of 1910*, and preservation of much of the historic urban fabric. After more than two centuries of building, the nation’s capital is still a remarkable place. Urban design and streetscape policies must retain the historic, majestic, and beautiful qualities that make Washington unique among American cities (220.7)

Building Green and Healthy Communities: Guiding Principles

32. The site selected for the national capital was characterized by a very special topography, including hills interlaced with broad rivers and streams. The topography allowed for the construction of a special collection of buildings that give the District a unique profile. *This profile has been further protected by local and national ordinances and must continue to be protected in the future. This should include the protection of views and vistas and the enhancement of city gateways* (221.1)

Chapter 3 Land Use Element
LU-1.1 Strengthening the Core 304

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Between 2005 and 2025, approximately 30 percent of the District of Columbia's future housing growth and 70 percent of its job growth will occur within the urban core of the city and adjacent close-in areas along the Anacostia River. ***This growth must be accommodated in a way that protects*** the area's historic texture, including the street and open space frameworks established by the L'Enfant and McMillan Plans, ***the 1910 height limit***, and the vistas and monumental spaces that define the central city. Infill and redevelopment will take place within the established business districts west of 5th Street NW, but a majority of the central city's future growth will be achieved through redevelopment of areas on its east side. 304.2

Policy LU-1.3.5: Edge Conditions Around Transit Stations

Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, ***building heights should "step down" as needed to avoid dramatic contrasts in height and scale*** between the station area and nearby residential streets and yards. 306.14

Policy LU-2.3.3: Buffering Requirements

Ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. ***Buffers may include*** larger setbacks, landscaping, fencing, screening, ***height step downs***, and other architectural and site planning measures that avoid potential conflicts. 311.5

Policy LU-2.4.4: Heights and Densities in Regional Centers

Maintain heights and densities in established and proposed regional centers which are appropriate to the scale and function of development in adjoining communities and ***which step down to adjacent residential areas***, and maintain or develop buffer areas for neighborhoods exposed to increased commercial densities. 312.

Chapter 9 Urban Design Element

UD-1 Toward A Stronger Civic Identity 902

Washington's identity is defined by a particular set of physical features, including the Potomac and Anacostia Rivers, the topographic "bowl" of the original city and the rolling hills that surround it, the open spaces and dense tree canopy of its parks and neighborhoods, and the wide diagonal boulevards and rectangular street grid. ***The city is further defined by its horizontal skyline.*** The Virginia and Maryland suburbs contain the region's tallest buildings while the central city is characterized by lower buildings of relatively uniform mass and height. 902.1



The Height Act has given the District its unique horizontal character.

The character of the central city has largely been shaped by the L'Enfant and McMillan Plans and the 1910 Height of Buildings Act . The L'Enfant Plan in particular set the stage for conditions that define

almost every new development in the historic center of the city today. The radial arrangement of streets and public spaces has created many irregular and prominent building sites. The Height Act has resulted in a predominance of structures that are as wide as they are tall, and a street environment that has more in common with Paris than it does with New York, Chicago, and other cities in North America. 902.2

UD-1.1 Protecting the Integrity of Washington's Historic Plans 903

Policy UD-1.1.4: Height Act of 1910

Protect the civic and historical character of the city, particularly the "horizontal" urban quality of Central Washington, by limiting building heights in accordance with the Height Act of 1910.

Policy UD-1.2.3: Ridgeline Protection

Protect prominent ridgelines so as to maintain and enhance the District's physical image and ***horizontal skyline.*** 904.5

Policy UD-1.2.4: View Protection

Recognize and protect major views in the city, particularly characteristic views of city landmarks, and views from important vantage points. ***Recognize the importance of views to the quality of life*** in the city and the identity of Washington and its neighborhoods. 904.6

Chapter 10 Historic Preservation Element

Policy HP-2.3.2: Historic Image of the City

Protect and enhance the views and vistas, both natural and designed, which are an integral part of Washington's historic image. Preserve the historic skyline formed by the region's natural features and topography and its historically significant buildings and monuments from intrusions such as communication antennas and water towers. ***Preserve the horizontal character of the national capital through enforcement of the 1910 Height of Buildings Act.*** (emphasis added)

From the OP September 15, 2008, Memo to the Zoning Commission, it is clear that OP and the Mayor want to push up the height of buildings, thereby creating wealth for developers at the expense of the intent of the Height Act, at the expense of neighbors and at the expense the 'Horizontal City' praised by the Comprehensive Plan.

The following two paragraphs (page 2) torture the meaning and intent of the Height Act as well as demean the residents of the District by twisted logic and misrepresentation better than any McCain-Palin ad.

"Sometimes the expertise gained from height discussions seems to be applied to reinforcing existing positions, and appears divorced from considerations of height's role in the larger functioning of the city. On a city-wide basis there can be considerable square footage devoted to residences, commerce, and socially oriented functions within the limited range of height measurement discussions germane to the regulations. The difference of one or two floors per building represents a significant portion of the District's tremendous physical and social needs. ***Two or three feet atop a roof can make a difference in a building's sustainability features and the roof's ability to be enjoyed by its residents or tenants.***

"Throughout the process of reviewing the height regulations, OP has considered recommendations in the context of the District's future growth and needs rather than from a predetermined set of interpretations. It has been apparent that the Height Act is ambiguous or open to interpretation in nearly every part. Only

rarely is the meaning clear in the absence of clarifying legal or regulatory opinions. ***Based on the wide range of possible interpretations of the Height Act***, it is easily possible to further the District's growth and development policies while maintaining the city's horizontal skyline and not violating the intent or letter of the Height Act." ***(emphasis added)***

Zoning and the Height Act are to be strictly construed; otherwise the slippery slope becomes greased by influence and money. The results are rewarding greed and harming the people and the future of our Nation's Capital

Let me make the following specific comments on various recommendations.

A. THE RULES APPLICABLE TO DETERMINING A BUILDING'S MAXIMUM PERMITTED HEIGHT

- How can a street block primarily zoned residential even if high density, be considered 'business'?
- I agree with A.4 that a single building should be a single building, not two structures 'communicating' with each other

B. THE RULES APPLICABLE TO MEASURING A BUILDING'S HEIGHT

- B.1 The street used to determine the buildings height should be the street used to measure that height.
- Consistent with the Comp Plan, the height of buildings adjoining low allowable height districts should be 'stepped back'

C. THE RULES GOVERNING THE TYPES OF STRUCTURES PERMITTED ABOVE A ROOF.

- C.1(a) The Height Act does not allow amenities above the height limit. All these uses can all be accommodated below the Height Act limits and are only to enrich developers and provide incentive to use the maximum FAR which again impacts the viewshed and is inconsistent with the Comp Plan.
- C.2 Be up front about expanding the allowable penthouse size, both height (18.5' to 20') and area (.37 to .4 FAR) and acknowledge that this does impact the viewshed and is inconsistent with the Comp Plan
- C.4 A it pertains to residential structures, how is it not inconsistent with the Comp Plan?
LU-2.1.B: Amendment of Exterior Wall Definition. Amend the city's procedures for roof structure review so that the division-on-line wall or party wall of a row house or semi-detached house is treated as an exterior wall for the purposes of applying zoning regulations and height requirements.

I appreciate your consideration of my testimony.

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