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Zoning Commission of the District of Columbia
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Re: ZC Case 08-06-1 (Height)

Honorable Members of the Commission:

This letter addresses a small subset of the issues discussed at your hearing September 25 on the above-captioned topic.

The concepts being advanced could lead to fundamental changes in requirements affecting measurement of height within the District of Columbia. While I generally favor periodic reviews to make sure rules reflect current opportunities and constraints and changing expectations and requirements, the Commission should proceed here with utmost caution as what seem to be small changes could, without full care, result in unforeseen impacts that would be detrimental to the public at large and owners of existing land and improvements on them.

Fortunately, these risks were brought out well by the panels of persons and organizations that appeared at the hearing and the record for you to consider is, I believe, more than adequate in most respects.

Accordingly, the purpose of this letter has three narrow objectives:

1. To recommend that the hearing address what is to be done when maximum height is to be measured from a curb or a point at the edge of the sidewalk with an imputed minimal slope – and either or neither of the curb or sidewalk is present. I have no information as to present practice, but it seems likely that any unwritten custom, if there is one, would be subject of various interpretations.

Specifically, I recommend that text be developed to provide a specific allowance for the lower measuring point for height limits that is in line with what a curb and two percent sidewalk slope would yield from the edge of the edge of the roadbed as a specific figure (perhaps advertise twelve inches (12 in.) or ask OP/DC-DoT to provide a recommendation. This would then allow the Zoning Commission to adopt a rule to cover this situation later in the case when text for subsequent hearings is perfected.

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2. To focus your attention on two likely *unanticipated* issues that would become problems if present roof structure proposals were adopted without adjusting them to –
 - (a) Recognize that present roof structure limits established by the credit of 0.37 FAR is only for the enclosed (roofed over) portion of the area on the rooftop. In contemporary practice, considerable mechanical equipment is placed in an “open” (no roof) area adjacent to the enclosed area, that enclosed area being surrounded by a visual barrier and both the enclosed area and the visual barrier wall are set back as otherwise required. The combined area for these two areas often exceeds the overall 40 % standard being recommended.
 - (b) Although described as a slight increase in the area presently allowed (from 37 percent to 40 percent, seemingly), the percentage OP has suggested is applied only to the area of the main roof, not the area of the lot. Thus, where the building’s main roof covers anything less than 90 percent of the land area, the overall area needed for roofed over penthouses and other areas containing mechanical equipment would be more limited by the proposed rule than is now the case.

Thus, whatever limits are proposed for the next stage in this update hearing process, they should relate to the area of the lot (as the FAR credit presently does, although it is not expressed that way), not the area of the main roof or even the building’s footprint. Second, any limits proposed for formal hearing must also provide for necessary mechanical equipment that is screened but open to the sky. (Overall placement and area of both enclosed penthouses and screened areas would still be limited by applicable set-back provisions.)

3. To amplify my otherwise very brief testimony: Please take steps in shaping the proposed text for a future hearing to address the issue of providing substantial lead time for projects that could be faced with any change that would impose greater limits on height than is now the case. Recognize that plans presented for a building permit often have years of preliminary work invested in them and the “rights” that would inure to them under present codes and interpretations. If change is to come, it should not drop into place shortly after “Final Action” when its conclusions are published in the *D. C. Register*. If change is to occur, it should allow ample time for projects to come to fruition without requiring redesigning and reengineering buildings that might otherwise be so affected.

Respectfully,



Lindsley Williams

cc: Travis Parker, Office of Planning

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