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I would like the Board of Zoning to reconsider the lowering of the by-right height limit in R-4 zones from 40 feet to 35 feet. This modified regulation will add cost and/or limit options for homeowners seeking to expand their homes without any positive externalities!

The goals according to Office of Planning are to limit the more incongruous additions and cut the economic motivation to add on as high as possible. As to the first goal, one is no more or less capable of building an incongruous addition up to 35 feet than they are to 40 feet. The height does nothing to add nor detract from the congruity of the addition. In fact, it's entirely possible that the lower height limit might actually exacerbate undesirable design when combined with space constraints of small lots. There are already existing protections of façade and street views in historic districts. That should be sufficient.

As to the second goal, it isn't clear why the board of zoning or office of planning would want to cut economic motivation to expand homes or if it is even possible. No matter what the limit is, people will be motivated to build as high as possible, that's just economics. People will still be motivated to build to 40 feet, it's just that now they'll have to pay more to do so.

Even if we look at the policies that the OP cited in their July 17, 2014 presentation to the Board of Zoning, it isn't apparent that this policy will help to achieve those goals. It won't prevent the addition of floors called for in LU-2 1 9 or protect the character of row house neighborhoods as called for in LU-2 1 7 since the 35 foot limit will still allow for "pop-ups." To any extent that it does, the rule will contradict policy H-1 3 1, since it will limit row house neighborhoods from expanding their homes to accommodate "families with children."

This lower limit will create three less desirable choices for current homeowners. It will allow homeowners to add a third floor at the same cost as it can be done now, but of lower quality, add a third floor of equal quality as allowed now, but at a higher cost, or add a floor of lower quality at a higher cost. It is difficult to understand how any of these outcomes represents one that benefits anyone. It is not clear how this lower height limit allows the board to protect any public interest or to achieve any community goals.

Other limits, such as those on blocking neighboring solar panels, are clearly designed to balance competing public interests. But it's unclear what public interest this is defending. It is, however, perfectly clear that it comes at the expense of personal property rights, something the board should recognize as a real public interest. In addition the test proposed for the special exception is extraordinarily subjective. This rule is over-broad and should be rejected.

David Cranor
307 Kentucky Ave SE
WDC 20003

David Cranor

ZONING COMMISSION
District of Columbia
CASE NO. 14-11
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EXHIBIT NO. 214
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