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April 30, 2015

Via e-mail filing

Anthony J. Hood

Chairman

Zoning Commission for the District of Columbia

441 4th St., N.W., Suite 200S

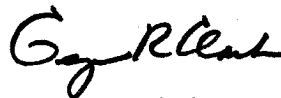
Washington, D.C. 20001

Re: ZC 14-13, Text Amendments to Rooftop Penthouse Text Amendments

Dear Chairman Hood:

Attached is my written testimony in this matter, scheduled for April 30, 2015. I am sorry that I cannot appear in person to testify tonight.

Respectfully submitted,

A handwritten signature in black ink that reads "George R. Clark". The signature is written in a cursive style with a large, stylized "G" and "C".

George R. Clark

CASE NO. 14-13

Zoning Commission of the District of Columbia

Text Amendments to the Zoning Regulations

Rooftop Penthouse Regulations

Testimony of George R. Clark

Thursday, April 30, 2105

My name is George Clark, and I speak on my own behalf, not in any official capacity. I apologize for not appearing in person, but family obligations keep me from attending.

As the Commission may be aware, I have been involved in the Zoning revision process since it was first discussed at this Commission, and, as Commissioner Miller knows, first proposed it at the Council. I served as a member of the ZRR Task Force.

As then-Chair of the Committee of 100 on the Federal City, I was involved in the hearings on the Height Act before the House Committee chaired by Representative Issa. I testified twice in front of the National Capital Planning Commission and was very active in discussions about the Height Act held by the Office of Planning and the Council. So I bring some background and history to this discussion.

But I will leave the details of the OP "proposal" to others to discuss. I am here to point out the disingenuous of the OP proposal, and how it tries to undermine the public process that has rejected OP's desire to gut the Height Act at every turn and in every forum. It is time to stop this mad desire to ruin the City's skyline without providing a shred of evidence that any changes to the zoning regulations are needed now or in the foreseeable future.

The proposal by OP in this case is nothing more than an attempted end run around the citizens of DC, NCPC, the Council, and Congress. In fact it contradicts OP's stated intentions about the Height Act about the limited Congressional action.

Let's start with the residents of DC, those most concerned with OP's attempted power grab. In the second paragraph of the April 20, 2015 OP report, it attempts to paint a picture that

public discussions at Ward meetings supported a change. Nothing could be further from the truth. I only attended the Ward 3 meeting, but reports from the other wards were the same. Not a single person among the 100 or more in attendance in Ward 3 supported OP's effort to raise the Height Act limits (a straw "vote" was taken).

Likewise OP attempts to portray the Council as endorsing raising the Height limit throughout the City. The actual vote was 12-0 against, with an abstention. The Council did not want to tinker with our skyline.

But perhaps the clearest indication of opposition to a city-wide raising of height limits (and that is what the OP proposal would do) was at two hearings before NCPC. The only persons to speak in favor were from the development community. Speakers from each of the 8 wards urged NCPC in the strongest way not to change height limits. NCPC was impressed, and turned down OP's request to turn DC into Manhattan South. Former OP Director Harriet Tregoning admitted to NCPC that OP had no planning reason or evidence to support a change other than what amounted to "just do it."

Finally, Congress saw the folly in making sweeping changes to the height of buildings. It gave DC the right to do very limited changes to penthouses for specific limited purposes, not the sweeping changes to the skyline that OP now proposes throughout the City.

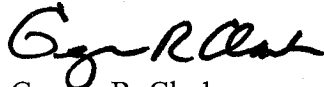
Even then, OP recognized that proposing changes before the next amendments to the Comprehensive Plan should not be done. Former Director Tregoning testified on the Hill that:

"The limits currently established in the federal Height Act should remain in place unless and until the District completes an update to the District Elements of the Comprehensive Plan where targeted area(s) that meet specific planning goals and also do not impact federal interests are identified. Under this recommendation, building heights in targeted areas may be proposed to exceed the maximums under the federal law; and these may be authorized through the existing Comprehensive Plan process, pending Congressional approval. Should such targeted exceptions be authorized through the Comprehensive Plan, the Height Act would remain in place for all other areas both inside and outside of the L'Enfant City."

So now what's the rush? Why ask this Commission to hurry to act when even OP says that comprehensive planning should be done first? The only logical conclusion is that OP is still

stinging from its defeat on raising the height limit and wants to see what it can sneak through under the guise of implementing a law that doesn't call for being implemented. OP said let's wait and do some planning. Let's hold them to their word.

Please do not let OP snatch the victory won fair and square by DC citizens from them.
Reject the OP proposal.



George R. Clark