

February 13, 2020

Dear Commissioners:

I am providing the following comments with regard to Case No. ZC 19.21.

I am writing to urge you to support the proposal to expand protection of rooftop solar panels from neighboring pop-ups. However, I recommend that you keep current shading study standards and oppose allowing the Zoning Administrator to set these standards.

In addition, I oppose the proposed change in the solar panel protections to the extent it changes the protection from “adjacent property” to “abutting property.” While neither the term “adjacent” or “abutting” are defined, the term “abutting” would seem to limit the solar panel protection to just the immediately neighboring property. It is possible that construction on a property could negatively impact solar panels on a house nearby but not immediately next to the house on which a development occurs, and such solar projects should also be protected. It appears that use of the words “adjacent property” could allow for such protection.

I am also writing to express my concerns about the following recommendations, which suggest that 19-21 needs more time and revisions prior to coming before the Commission.

I am strongly in favor of keeping the current regulations on preserving rooftop architectural element protections as is. Many pop-up developments throughout the city are aesthetically unattractive and destructive of the beauty of rowhouse neighborhoods because they remove or negatively alter rooftop architectural elements. Allowing all changes to go before the BZA will open the door to subjective determinations and will also burden the BZA. I strongly oppose this change.

I also support requiring projects located in historic districts that are requesting removal of rooftop architectural elements to come before the BZA.

I also support requiring requests to remove rooftop architectural elements to comply with all applicable development standards.

I want to make sure the final regulations clearly include the 35 foot height limit. The changes to Sections U-301.2 and U-320.2 are somewhat unclear on this point. It appears that the 35 foot height limit would still be applicable because the conversion to an apartment house must, under the proposed 301.2(b), meet “all applicable development standards,” which must include the 35-foot height limit proposed in E-303. However, there is a problem in that U-301.2(b) lists only some but not all applicable development standards; KCA will be arguing that it must list all, including the height limit. Notwithstanding all this, for the sake of clarity it would be better not to strike current U-301.2(b). I believe the same analysis applies to U-320.2.

Finally, I do not understand why the current language prohibiting interference with neighboring chimneys or vents is being eliminated. I strongly oppose such a change.

Thank you for your consideration of these comments.

/s/ Thomas W. Swegle

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