

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 253
December 14, 1978

EMERGENCY ORDER

Whereas, on September 14, 1978, the Zoning Commission adopted Order No. 234 which changed the regulations concerning the C-3, C-4 and C-5 Districts; and

Whereas, Order No. 234 became effective on September 22, 1978 following publication in the Washington Star and the D. C. Register; and

Whereas, on September 14, 1978, the Zoning Commission adopted Order No. 235 which changed the Regulations concerning the SP District; and

Whereas, Order No. 235 became effective on October 5, 1978, following publication in the Washington Star and D. C. Register and following the issuance of a temporary restraining order by Judge George Revercomb and the denial of a motion for preliminary injunction by Judge William Pryor; and

Whereas, Section 5305 of the Regulations concerning Commercial Districts established a new uniform court requirement for all classes of buildings in all C Districts, as follows:

"5305.1 Where a court is provided in a commercial district, at any elevation in such court the width of court shall be a minimum of six inches per foot of height measured from the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 30 feet;" and

Whereas, Section 4305 of the Regulations concerning SP Districts established a new uniform court requirement for all buildings in all SP Districts as follows:

"4305.1 Where a court is provided in the Special Purpose Districts to ensure adequate light, view, movement of

air and visual privacy particularly for residential buildings, at any elevation in such court the width of court shall be a minimum of six inches per foot of height measured from the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 30 feet;" and

Whereas, the above new sections represented substantial changes from the regulations previously in effect; and

Whereas, the Zoning Commission is in receipt of a letter dated December 7, 1978 from a Special Committee of the D. C. Metropolitan Chapter of the American Institute of Architects, which letter states that the new court regulations have created a hardship for the following reasons:

1. The new regulations became effective immediately with no prior notice and with no transition period. During the long and extensive hearings prior to the new regulations, there was no hint that such a drastic change was contemplated, nor was there demonstrated any need for such a change. As a result, many Architects have in good faith prepared plans which are no longer usable, and many of their clients have made commitments which are no longer possible.
2. The new regulations as written will have a profound affect on the architecture of the city. We have studied a number of building sites of different sizes and shapes, and find that small sites and odd shaped sites, can not be built to the maximum density allowed by the regulations. Large sites which normally would have several small courts will have difficulty in providing light and air to the building because any court which is provided must be unreasonably large. In addition, in order to provide the necessary light and air it will be necessary to distort the building envelope utilizing rear yards and side yards which are less desirable but which have more reasonable dimensions. The end result is that the typical building built under these regulations will be tight against the property lines, with no arcades and provide little or no relief on the face of the building. Blocks of buildings will have gaping holes resembling vacant lots between some buildings and any courts which are provided will have a strange shape conforming to

Whereas, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare, or morals,"

Now therefore, the Zoning Commission resolves that an emergency exists and that it is necessary to take immediate action to relieve the hardship created by the application of the new court requirements. It is therefore ordered that the Zoning Regulations are hereby amended as follows:

1. Delete existing Section 4305 and replace it with the following:

Section 4305 -- Courts

4305.1 Where a court is provided for a multi-family residential building in the Special Purpose Districts at any elevation in such court the width of court shall be a minimum of six inches per foot of height measured from the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 30 feet.

4305.2 Where a court is provided for a single-family, flat or non-residential building in the Special Purpose Districts, such court shall have the dimensions specified in the Zoning Regulations in effect on September 13, 1978.

4305.3 In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing structure in the Special Purpose District, no legally required window shall be permitted to open onto a court which does not comply with the dimensions given in paragraph 4305.1.

2. Delete existing Section 5305 and replace it with the following:

5305.1 Where a court is provided for a multi-family residential building in a Commercial District, at any elevation in such court the width of court shall be a minimum of six inches per foot of height measured from the lowest level of the court to that

the setback lines. Many of the best buildings existing in the city could not be built under the new regulations.

3. The new regulations will actually result in providing less light and air into buildings rather than more. Single family buildings can have no court. Larger buildings will have fewer spaces to provide light and air to the interior of the buildings. Because of the size of the courts, some of the walls will be blank since they must back up to fixed elements of the building such as elevators, stairs, etc; and

Whereas, the Zoning Commission also is in receipt of letters from the architectural firms of Weihe, Black, Jeffries and Strassmen, Lockman Associates, GMR Ltd., Mills, Clagett and Wening, Shidmore, Owings and Merrill, Hartman-Cox, Vlastimil Koubek, Edmund Dreyfuss and Associates and Smith Segreti Tepper, many of which letters cite specific projects adversely effected by the recently adopted Regulations and all supporting the position of the AIA Special Committee; and

Whereas, the Zoning Commission is also in receipt of a letter dated December 13, 1978 from the Pennsylvania Avenue Development Corporation, which letter states that the recently adopted court requirements "placed a roadblock in the way of the Corporation" attaining the goal of bringing quality development to the Pennsylvania Avenue area; and

Whereas, the Zoning Commission believes that the Regulations recently adopted would have an adverse effect on the general welfare of the District of Columbia by preventing in many cases existing building plans from going foward without extensive and expensive redesigning of such plans; and

Whereas, the Zoning Commission believes that a short transition period should be allowed, particularly as to non-residential buildings which were under design prior to the adoption of the new court requirements, during which period permits may be applied for under the previous Regulations; and

Whereas, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D. C. Code) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia;" and

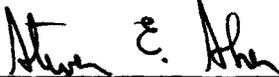
elevation, provided that in no case shall the width of court be less than 30 feet.

5305.2 Where a court is provided for a single-family, flat or non-residential building in a Commercial District, such court shall have the dimensions specified in the Zoning Regulations in effect on September 13, 1978.

5305.3 In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing structure in a Commercial District, no legally required window shall be permitted to open onto a court which does not comply with the dimensions given in Sub-section 5305.1.

These amendments shall take effect immediately and shall remain in effect for no more than 120 days. At the end of that period, Sections 4305 and 5305 shall revert to the language as adopted by Orders No. 235 and 234, respectively.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on December 14, 1978 by a vote of 3-1 (Theodore F. Mariani, John G. Parsons and Ruby B. McZier to adopt, Walter B. Lewis opposed, George M. White not present, not voting).