

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

Postponed to Thursday, February 22nd

TIME AND PLACE: Thursday, ~~January 18, 2018~~, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 17-18 (Office of Planning – Text Amendment to Subtitles B, D, E, F, J and K re: Changes to Definitions and Rules of Measurement)

THIS CASE IS OF INTEREST TO ALL ANCs

On October 6, 2017, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (“OP”) proposing a text amendment to the Zoning Regulations (11 DCMR) regarding proposed changes to a number of Definitions and Rules of Measurement in the zoning regulations. On October 16, 2017, the Commission voted to set down the application for a public hearing. The OP set down report served as a pre-hearing filing.

The proposed amendments establish measuring basements and cellars to the top of the finished floor of the “ground floor” (a defined term) instead of to the ceiling of the basement/cellar and adjust the height above/below grade to five feet instead of four feet; establish the measuring point as the lower of either natural or finished grade, and move some language previously in the definitions of “Heights of Buildings” and “Gross Floor Area” to the Rules of Measurement section.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined text** and deleted text is shown ~~striketrough~~). Some text has been moved from Definitions to Rules of Measurement (Subtitle B §§ 307 and 308):

1. Changes to Subtitle B, Definitions

Amend the text in Subtitle B § 100.2, as follows:

Basement: That portion of a story partly below grade **where the finished floor of the ground floor**, ~~the ceiling of which is four feet (4 ft.)~~ **is five feet (5 ft.)** or more above the adjacent **natural or** finished grade, **whichever is lower in elevation.**

...¹

¹ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provision does not signify the intent to repeal.

Building Area: The maximum horizontal projected area of a principal building and its accessory buildings. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title; ~~nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property.~~

Building area shall not include: Building components or appurtenances dedicated to the environmental sustainability of the building; cornices and eaves; sills, leaders, belt courses, and similar ornamental or structural features; awnings, serving a window, porch, deck or door; uncovered stairs, landings, and wheelchair ramps that serve the main floor; and chimneys, smokestacks, or flues.

...

Building, Height of: ~~In other than R, RF, RA, RC 1, CG 1, and D 1 zones, the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district; in Residential (R) zones the vertical distance measured at the existing natural grade at the midpoint of the building façade of the principal building that is closest to a street lot line to a point designated in the zone district. Berms or other forms of artificial landscaping shall not be included in measuring building height or stories.~~

The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height (Subtitle B § 308). **The vertical distance measured from the Building Height Measuring Point (BHMP) to a point designated in a zone district, subject to limitations in the regulations.**

Building Height Measuring Point (BHMP): ~~The point used to measure building heights in R, RF, and RA zones.~~ **The point used in measuring building heights in a zone, subject to limitations in the regulations. See also, Subtitle B, Rules of Measurement.**

...

Cellar: That portion of a story **partly below grade where the finished floor of the ground floor,** ~~the ceiling of which is less than four feet (4 ft.)~~ **five feet (5 ft.)** above the adjacent **natural or finished grade, whichever is lower in elevation.**

...

Floor Area Ratio (FAR): The ratio of the total gross floor area of a building to the area of its lot; ~~determined by dividing the gross floor area of all buildings on a lot by the area of that lot. See also: Subtitle B, §§ 304 and 305~~ **Chapter 3, Rules of Measurement.**

...

Grade, Finished: The elevation of the ground directly abutting the perimeter of a building or structure **or at the top edge of a window well. Exceptions to finished grade are:**

- (i) **a window well that projects no more than four feet (4 ft.) from the building face; and**
- (ii) **an areaway that provides direct access to an entrance, projects no more than five feet (5 ft.) from the building face, and is not more than five feet (5 ft.) wide along the face of the building.**

...

Gross Floor Area (GFA): **Unless otherwise specified, The**~~the~~ sum of the gross horizontal areas of ~~the several~~**all** floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. See also: Subtitle B, §§ 304 and 305 **Chapter 3, Rules of Measurement**.

~~GFA shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses (unless otherwise specified); attic space (whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.~~

~~GFA shall not include cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.~~

...

Habitable Room: An undivided enclosed space used for living, sleeping, or kitchen facilities. **Unless otherwise specified, The** ~~the~~ term “habitable room” shall not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms, or similar space; neither shall it include mechanically ventilated interior kitchens less than one hundred square feet (100 sq. ft.) in area, nor kitchens in commercial establishments.

2. *Changes to Subtitle B, Rules of Measurement*

Amend the text in Subtitle B § § 304, 307, and 308 as follows:

Subtitle B § 304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA)

...

304.4

For a building entirely detached from any other building, ~~calculation of GFA for~~ the portion of a **building or structure** story located partially below **adjacent natural or** finished grade **shall be calculated by the perimeter-wall method** as follows:

- (a) Measure the portions of the perimeter of the **building or structure** story located partially below **adjacent natural or** finished grade that ~~have a height greater than or equal to four (4)~~ **are five feet (5 ft.) or more above,** ~~when measured between the~~ **adjacent natural or** finished grade, **whichever is lower in elevation,** and the ground **finished** floor of the ~~story above~~ **ground floor;**
- (b) Measure the total perimeter of the **building or structure** story located partially below **adjacent natural** finished grade **or finished grade,** **whichever is lower in elevation;**
- (c) Divide the distance of the result of paragraph (a) by the distance of the result of paragraph (b); and
- (d) Multiply this result by the total floor area of the **building or structure** story located partially below **adjacent natural** finished **or finished grade,** **whichever is lower in elevation.**

304.5

For a building attached at any point to a neighboring building, GFA of the portion of a story located partially below **natural or** finished grade shall be calculated **by the grade-plane method** as follows:

- (a) Establish a line between the midpoint of a building façade facing the nearest street at **the adjacent natural or** finished grade, **whichever is lower,** and the midpoint of the opposite ~~building~~ **of the building** at **the adjacent natural or** finished grade, **whichever is lower;**
- (b) Determine the portion of this line **that is five feet (5 ft.) or more below** ~~where the distance between it, and the ground~~ **finished** floor of the story directly above, ~~is greater than or equal to six (6) feet;~~
- (c) Project a perpendicular line from the point along the line described in paragraph (b) to the exterior walls of the building; and
- (d) Measure the floor area that is between the projected perpendicular line and the other portions of the **story that are** ~~with a height greater than or equal to six feet (6 ft.)~~ **five feet (5 ft.) or more below the finished,** ~~when measured from the perpendicular line to the ground~~ floor of the story above **ground floor.**

304.6 GFA shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses (unless otherwise specified); attic space (whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.

304.7 GFA shall not include cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.

Subtitle B § 307 RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES

307.1 In other than R, RF, RA, RC-1, CG-1 and D-1 residential zones, as defined in Subtitle A § 101.9, the building height shall be the vertical distance measured from the building height measuring point (BHMP) at the level of the curb, opposite the middle of the front of the building, to the highest point of the roof or parapet or a point designated by a specific zone.

307.2 Unless otherwise restricted or permitted in this title, in those zones in which the height of the building is limited to forty feet (40 ft.), the height of the building ~~may~~ shall be measured from the BHMP at the adjacent natural or finished grade, whichever is the lower elevation, ~~level~~ at the middle of the front of the building to the ceiling of the top story.

...

307.4 Except as provided in Subtitle B § 307.6, where a building is removed from all lot lines by a distance equal to its proposed height above the adjacent natural or finished grade, whichever is the lower elevation, the height of building shall be measured from the adjacent natural or finished grade, whichever is the lower elevation, at the middle of the front of the building to the highest point of the roof or parapet.

...

307.6 Except as provided in Subtitle B § 307.4, in those zones in which the height of building is permitted to be ninety feet (90 ft.) or greater, the height of buildings shall be measured from the adjacent natural or finished grade level, whichever is the lower elevation, at the middle of the front of the building to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height.

...

307.8 **Berms or other forms of artificial landscaping shall not be included in measuring building height or stories.**

307.9 **The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height in this section.**

Subtitle B § 308 RULES OF MEASUREMENT FOR BUILDING HEIGHT: ~~R, RF, RA, RC-1, CG-1, AND D-1~~ RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9

308.1 The height of buildings, not including a penthouse, in ~~R, RF, RA, RC-1, CG-1, and D-1~~ **residential zones, as defined in Subtitle A § 101.9**, shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

308.2 The building height measuring point (BHMP) shall be established at the ~~existing~~ **adjacent natural or finished** grade, **whichever elevation is lower**, at the mid-point of the building façade of the principal building that is closest to a street lot line.

...

308.9 **Berms or other forms of artificial landscaping shall not be included in measuring building height or stories.**

308.10 **The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height in this section.**

3. *Changes to Height Regulations in Subtitles D, Residential House (R) Zones*

Amend Subtitle D, Residential House (R) Zones, § 207.4 as follows:

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (R)

207 HEIGHT

...

207.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.); provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

4. *Changes to Height Regulations in Subtitle E, Residential Flat (RF) Zones*

Amend Subtitle E, Residential Flat (RF) Zones, §§ 303.5, 403.5, and 603.4 as follows:

CHAPTER 3 RESIDENTIAL FLAT ZONE (RF-1)

303 HEIGHT

...

303.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

CHAPTER 4 DUPONT CIRCLE RESIDENTIAL FLAT ZONE (RF-2)

403 HEIGHT

...

403.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

CHAPTER 6 RESIDENTIAL FLAT ZONE (RF-4 AND RF-5)

603 HEIGHT

...

603.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

5. *Changes to Height Regulations in Subtitle F, Residential Apartment (RA) Zones*

Amend Subtitle F, Residential Apartment (RA) Zones, § 203.4 as follows:

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (RA)

203 HEIGHT

...

203.4 Except as provided in Subtitle F §§ 203.2 and 203.3, a building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

6. *Changes to Height Regulations in Subtitle J, Production Distribution and Repair (PDR) Zones*

Amend Subtitle J, Production Distribution and Repair (PDR) Zones, § 203.3 as follows:

CHAPTER 2 DEVELOPMENT STANDARDS (PDR)

203 HEIGHT

...

203.3 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

7. *Changes to Height Regulations in Subtitle K, Special Purpose Zones*

Amend Subtitle K, Union Station North Zone, § 305.2 as follows:

CHAPTER 3 UNION STATION NORTH ZONE (USN)

305 HEIGHT

...

305.2 The measurement of building height shall be taken from the elevation of the sidewalk on H Street at the middle of the front of the building, to the highest point of the roof or parapet rather than from grade as would otherwise be required by ~~Subtitle C, Chapter 5~~ **Subtitle B § 307.1.**

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

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Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እንኳን አገልግሎቶች የሚሰጡት በነጻ ነው።