



Delegated Action of the Executive Director

PROJECT
Text Amendment to Subtitle B, Section 307.6 - Measuring Height in Non-Residential Zones, and Subtitle U, Section 502.1 – Adding Art Gallery and Museum
Washington, DC

SUBMITTED BY
Zoning Commission of the District of Columbia

NCPC FILE NUMBER
ZC 18-09

NCPC MAP FILE NUMBER
00:00(06.00)44819

ACTION TAKEN
Approve report to the Zoning Commission of the District of Columbia

REVIEW AUTHORITY
Advisory
Per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a)

The Zoning Commission of the District of Columbia has referred an application for a text amendment to clarify the rule for measuring height in other than residential zones where building height may be ninety feet or taller (Subtitle B), and to include museum use in MU Use Group A (Subtitle U). There are no issues of federal interest related to the modifications of Subtitle U, which would be subject to a review exemption under the NCPC Submission Guidelines, so this report will focus on the proposed changes to Subtitle B.

The application under consideration by the Zoning Commission considers modifying the text in Subtitle B § 307.6 of the 2016 District Zoning Regulations. It was brought to the attention of the District of Columbia Office of Planning (DCOP) that the rule for measuring height in non-residential zones that permit buildings 90 feet and taller, as described in this section, was inconsistent with the rule that existed in the 1958 regulations (see table). DCOP has indicated that it believes that the change was inadvertent in the 2016 rewrite, and is proposing a modification for consistency with the previous regulations. The proposed language adjustment to this section is as follows:

307.6 Except as provided in Subtitle B § 307.4, in those zones in which the height of a building is permitted to be ninety feet (90 ft.) or greater, the ~~height of buildings shall be measured from the finished grade level at~~ **BHMP¹ shall be established at the level of the curb, opposite** the middle of the front of the building **and the building height shall be measured from the BHMP** to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height.

Staff finds that this clarification does not affect the federal interest and generally supports the change, but notes that other language in this section is inconsistent with NCPC interpretation of the Height of Buildings Act of 1910, as amended (the Height Act). The exclusion of parapets that

¹ Building Height Measuring Point

do not exceed four feet from the overall building height is not a stipulation in the Height Act, which has been noted previously by NCPC staff in comments to the Zoning Commission. While DCOP is not proposing any changes to this language as part of the text amendment, staff would like to note this inconsistency.

* * *

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find that the proposed text amendment to Subtitle B, Section 307.6, and Subtitle U, Section 502.1 would not be inconsistent with the Federal Elements of the *Comprehensive Plan for the National Capital*, nor would it adversely affect any other identified federal interests.

// Original Signed //

September 27, 2018

Marcel Acosta
Executive Director

Date