


MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation 

DATE: July 26, 2012

SUBJECT: ZC 12-13: Preliminary and Pre-hearing Report - Request for a Text Amendment to the Zoning Regulations, Chapter 1, Section 199, Definition of Clear Height, and an Expedited Public Hearing

I. RECOMMENDATION

The attached report is being submitted less than 10 days prior to the Zoning Commission's Public Meeting as required in §3011.2. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

The Office of Planning ("OP") requests the Zoning Commission set down the following proposed text amendment for a public hearing. The language would clarify that when measuring the clear height of a building's ground floor, the measurement is to be taken from grade level, rather than from the level of the ground floor's finished floor.

Title 11 (DCMR) is proposed to be amended as follows: (New text is shown in **bold and underlined**):

Chapter 1, Zoning Regulations

Section 199 is amended as follows:

Clear Height, Floor to Ceiling - is a vertical distance ~~measured from the finished floor to~~ **within a building story. The upper point of the measurement is** the finished ceiling that is unobstructed by any of the following:

- (a) Elements of the building structure, other than columns and walls;
- (b) Components of mechanical, plumbing, or fire suppression systems; or
- (c) Components of electrical systems, except lighting fixtures.

If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b) or (c) above.

For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height

requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building's frontage on the street from which the building draws its clear height requirement.

II. PROPOSAL

It has been pointed out that while the clear height definition specifies that clear height must be measured from the finished floor, the definition does not stipulate the location of the ground floor's finished floor relative to grade.

This deficiency could lead to a ground floor being located significantly below the adjacent grade level, and to reduced heights of windows adjacent to sidewalks. This would detract from the goal of promoting lively pedestrian-oriented streets and could also lead to more steps or ramps inside a building to compensate for grade changes between the level of an entrance and the level of the ground floor.

OP has talked with the Zoning Administrator (ZA) about the issue and its interpretation. The ZA stated his preference for a text amendment to clarify the measuring point. Accordingly, OP recommends the proposed changes to the definition of clear height in order to make it unambiguous that, for a ground floor that has a minimum clear height requirement, the clear height is to be measured from grade.

III. BACKGROUND AND ANALYSIS

Zoning Commission Order No. 04-31, established the definition of "clear height" to, as the Order stated, "reflect new industry standards for quality retail space and other space not intended for living units". The definition clarified that certain structural elements, components of building systems, or dropped ceilings are not permitted to intrude from the ceiling into the minimum clear height. In determining the practicality of this definition OP performed several studies of building construction methods, using different assumptions for floor-slab thicknesses, but always assuming that the ground floor level was at grade.

The clear height definition was drafted by OP as part of the "Streetwall Design Requirements" for the Mount Vernon Triangle as part of the DD Overlay (11 DCMR §1722) [ZC 04-33]. The definition of clear height was placed in Chapter 1 rather than Chapter 17 so that it could be applied to all overlays where there is a clear floor-height requirement. ZC Order 04-33 notes that the Retail Committee of the District of Columbia Building Industry Association was "strongly supportive" of the advertised text.

Section 1722.3 requires that

“...each building shall devote not less than fifty percent (50%) of the surface area of the streewall between twelve (12) feet and fourteen (14) feet above grade to clear or clear and and/or low-emissivity glass.”

If the measurement of the 14-foot clear requirement began below grade, § 1722.3 would result in views into the bottom of the second floor, rather than ensuring the desired height of ground floor windows.

Further, because “ground floor” defined in 11 DCMR §199 as “the floor that is nearest in grade elevation to the adjacent surface of the public right of way”, it is possible that without the recommended amendments it is possible a ground floor could be located almost any distance below grade as long as the underside of the second floor slab was at least 4 feet above grade (so that the floor would not be a basement) and the second floor was not closer to grade level than the ground floor’s finished floor (which, if it were, would make the second floor the ground floor).

IV. Relationship to the Comprehensive Plan

The Commission’s Order that established the clear height definition stated that the amendments were “not inconsistent with the goals of the [then-current] Comprehensive Plan and are consistent with the following sections of the Comprehensive Plan: § 708.2, which advocates designing buildings to complement or enhance the physical character of the District; § 709.2(i) which encourages design features such as storefront windows to promote pedestrian activity along streets; and § 713.2, which emphasizes the design of functionally active commercial areas throughout the District, and the orientation of major new development toward the street in order to emphasize the public space as a setting for active use”. These same goals are repeated in different locations in the 2006 Comprehensive Plan, as amended.

V. CONCLUSION

OP recommends that the Zoning Commission set the proposed text amendment down for public hearing.

VI. PREHEARING FILING

This report also serves as the prehearing report required by § 3013.

Stephen Cochran, Case Manager:
JS/slc