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May 11, 2015

Zoning Commission of the
District of Columbia
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: Case No. 14-13: Text Amendment - Rooftop Penthouse Regulations for All Non-Low
Density Residential Development

Dear Chairman Hood,

This letter is a follow up to the testimony I provided at the Zoning Commission's April 30 hearing on the proposed rooftop penthouse regulations. I am writing to reiterate some of the points I made in my testimony that I believe need to be critical factors in your continued deliberations, and to urge the Commission to approve the proposed regulations as expeditiously as possible.

At the recent hearing, several individuals and organizations testified in support and opposition of the proposed rooftop penthouse regulations. In general terms, those testifying in support of the proposed amendments were primarily from the development industry who were focused on changes to high-density areas. Those testifying in opposition were primarily from the community who voiced a consistent concern regarding the effect of the proposed amendments on their homes and lower density residential neighborhoods. Following the public testimony, Commissioner May pointed out the contrast in the testimony noting that it was almost like listening to two separate cases. This is an important point, and one that the Zoning Commission should not ignore as it continues its consideration of this very important case. Given the support for approval of those provisions affecting high-density areas, I believe it is prudent for the Commission to approve that portion of the amendments, saving the provisions that would affect lower density residential zones for further analysis and deliberation as the Commission deems necessary.

Should the Zoning Commission proceed with approving new penthouse regulations for high-density areas, I believe it is essential that maximum flexibility in design and structural configuration be provided. This will give developers the capacity to identify ways to maximize utilization of additional habitable area and will help incentivize the productive use of penthouses.

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Given the increased cost per square foot to building habitable space at the penthouse level, retaining the limited range of design variation that is currently permitted by the Zoning Regulations will only further increase costs and may be a disincentive for developers.

Finally, as I stated in my testimony, I am supportive establishing a linkage between the increased economic value that is created in high-density areas as a result of the new penthouse regulations and the production of affordable housing. However, it is critical that developers of residential buildings be provided an option of either providing affordable housing in accordance with the existing inclusionary zoning regulations, or making a contribution to the Housing Production Trust Fund (HPTF) at 50% of the assessed value of the additional habitable penthouse space.

A favorable action on the rooftop penthouse provisions relating to high-density areas will allow developers to begin taking advantage of the additional development potential provided by the recent changes to the 1910 Height of Buildings Act. It will also activate our rooftops, increase development potential and affordability, improve livability, and enhance the aesthetics. Therefore, I encourage the Zoning Commission to take swift and favorable action on the proposed rooftop penthouse regulations or at least on the provisions relating to high rise structures.

Respectfully,

A handwritten signature in black ink, appearing to read 'Elinor Bacon', with a long horizontal flourish extending to the right.

Elinor Bacon