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Via Email

Office of Zoning
Secretary of the Zoning Commission
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**Re: Case No. 14-13 – Office of Planning’s Proposed Text Amendment re Rooftop
Penthouse Regulations for All Non-Low Density Residential Development**

Dear Chairman Hood and Commissioners:

We write to submit our written testimony regarding the proposed text amendments to zoning regulations concerning use permissions and size restrictions for rooftop penthouses. Some of the proposed changes will negatively impact row house neighborhoods, such as the Bloomingdale R-4 district in which my husband and I live, in direct contravention of the Comprehensive Plan. That negative impact is even more egregious in R-5-B districts where the proposed changes have the potential to promote additional “pop-up” development.

From the back of our house, we are currently watching a rooftop penthouse being built across the alley at 42 W St. NW – a pop-up and pop-back project which, even without the penthouse, looks like someone dropped the Titanic on that block. You have already received photographs of that project attached to other written testimony letters, so I will refrain from duplicating those visuals herein. In addition to noise and loss of light, privacy would be one of our foremost concerns should a rooftop penthouse ever go up on either side of us. I know that we are not alone in having skylights on our top floor, including over the bathrooms.

Penthouse Height (400.7(c) and (d)) – R-4 and R-5-B

- Per Alternative 2, there should be a *prohibition on penthouses on single-family homes* with a requirement to secure a special exception to allow a penthouse, limited in height to a maximum of 10 feet. The Comprehensive Plan directs the Commission to
 - Generally discourage increases in residential density resulting from new floors and roof structures (with additional dwelling units) being added to the tops of existing row houses and apartment buildings, particularly where such additions would be out of character with the other structures on the block. Roof structures should only be permitted if they would not harm the architectural character of the buildings on which they would be added or other buildings nearby, and
 - Protect the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern, considering

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additional row house neighborhoods for “historic district” designation, and regulating the subdivision of row houses into multiple dwellings. Upward and outward extension of row houses which compromise their design and scale should be discouraged.

Penthouse Setbacks (400.7) – R-4 and R-5-B

- Per Alternatives 1 and 2, *the setback requirements should be applied to all exterior walls*. Removing the setback from common walls shared by row houses will create multiple problems, including but not limited to
 - Structural pressure on common walls;
 - Impinging upon the development rights of abutters who may wish to build penthouse structures but will be limited in doing so if existing penthouse walls occupy common wall space;
 - Creating potential snow load problems;
 - Interfering with the functioning of abutters’ chimneys, and
 - Creating potential fire safety hazards with penthouse walls

Use Permitted Within a Penthouse (411.1 and 411.2) – R-5-B

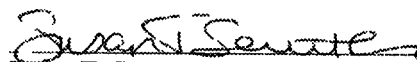
- Per Alternative 2, *habitable space should not be allowable in penthouses in R-5-B*. To do so will encourage additional over-development and conversion of single-family row houses into multi-unit buildings
- Allowing habitable enclosed recreation space as part of the penthouse would further encourage additional noise and density in row house residential neighborhoods

Penthouse Area – Exemption from FAR for Penthouse Enclosed Space (411.7) – R-5-B

- *Alternatives 1 and 2 are unacceptable as they represent another example of zoning regulations that disregard the purpose of FAR*, which is to limit the maximum square footage of a building
- Allowing a disregard of any habitable space from FAR exacerbates the already problematic rules that disregard lower level square footage from FAR when characterized as cellar space

Rooftop penthouses are but one component of the overall build-out and build-up transformation occurring at lightning speed across DC neighborhoods. These transformations will have lasting, irreversible effects on the character, architecture, historical value, and livability of the neighborhoods we call home as DC residents. This is a defining time as the community and beyond, including residents, governing officials, and the media, are taking notice of these issues. Although a spotlight should never be required to choose wisely, we urge you to note the import of the moment and make your decisions with extra thought and care, and with the spirit of the Comprehensive Plan in mind. Thank you for your time and consideration of our testimony

Sincerely,


Susan T. Seutter