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May 11, 2015

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

Re Zoning Commission Case No 14-13, Penthouses

Dear Members of the Commission

In furtherance of the testimony which I provided at the April 30th public hearing, I offer for consideration by the Commission a few additional thoughts.

I. Flexibility of Roof Structure Design

We believe that flexibility of design for height and number of roof structures, particularly when associated with habitable space, will lead to better design and utilization of roof areas to the District's advantage as a whole

If the Commission is not comfortable with granting such flexibility within the Regulations themselves, then we suggest that the special exception criteria include relief for height, setback where appropriate, and number of roof structures, if the Commission finds that such design and placement of structures enhances the appearance and utilization of the roof.

II. High Rise Buildings v Low Rise Buildings and Rooftop Penthouse Regulations

As I suggested at the public hearing, I would hope that, if the Commission is not able to reach consensus on the roof structure penthouse regulations amendments as a whole, it would move forward with deciding revised regulations for those buildings that are of high rise construction and allowing those to move forward under amended penthouse regulations.

There seems to be little opposition concerning penthouse amendments for buildings in the higher density zones of higher heights

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EXHIBIT NO. 109

As the Commission will be hearing from several developments which are underway, we are at a critical stage in the development process and design decisions need to be made soon. When the Commission was first considering this matter last November, time sensitivity for a number of these projects was not nearly so critical. We are currently in a cycle where there is significant development in the city. Real estate development by its nature is cyclical and we certainly would not want to miss this cycle

We are currently in a cycle where there is significant development in the city. Real estate development by its nature is cyclical and we certainly would not want to miss this cycle

As will be seen by at least one of the submissions, the contribution to affordable housing from high rise development can be significant

We, therefore, urge the Commission to move as expeditiously as possible with respect to high rise construction.

III Letter from United States Secret Service – Office of Protective Operations (Exh No. 74).

We have reviewed the letter from the United States Secret Service – Office of Protective Operations (OPO). I have worked with that office on two projects in very close proximity to the White House being the roof top addition to the Hay Adams Hotel at 16th and H Streets, NW and the office building addition to the Corcoran Gallery at 1700 New York Avenue, NW. We agree with the position taken by the OPO that residential habitable space that is to be devoted to individual residential units not be permitted in the squares abutting the White House

Since there are numerous roof structures that are already above 10', we do not agree with the 10' limitation and believe that the limitation should continue to be 18'6" or 20' in height for roof structures in that location

We believe that the Zoning Commission can designate the squares surrounding the White House for such limitation.

The letter from the OPO recognizes that there are no such concerns with respect to office buildings, hotels or communal recreation spaces

IV. Contributions to Affordable Housing

We believe that the penthouse text amendments do provide a significant opportunity for contributions to and production of affordable housing. In that regard, we would hope that there would be some flexibility in the projects to which the requirements would apply because of the small size of some roof top areas, that the space used for communal purposes not be subject to the contribution requirement and that, in residential projects, because of small size, the ability be made to have a contribution of 50% of the assessed value to the Housing Production Trust Fund

Also, it is noteworthy that in the Downtown Area, assessments for annual tax bills for space within office, hotel and residential buildings is ranging between \$13 and \$15 a square foot annually. Multiplying the tax revenue increase by the number of buildings in the Downtown Area that could potentially take advantage of this amendment to the Regulations, would result in increased tax revenues to the District of millions of dollars per year

Thank you for your consideration of these comments in your deliberation on this important case

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By 
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