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Single Member District 1A08

608 Rock Creek Church Road, NW Washington, DC 20010

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**Testimony of Kent Boese
Before the Zoning Commission for the District of Columbia
On
Zoning Case 14-13 (Penthouse structures)
Monday May 11, 2015**

Chairman Hood and members of the Zoning Commission, while the issue of allowing usable space in penthouse structures may seem like a simple and reasonable development, it should not be considered lightly. The citywide application of this change in some manner across all zones will have mixed consequences if not carefully considered and implemented.

The Office of Planning's (OP) recommendations for how changes to penthouses should be implemented focuses on how properties are currently zoned. While this is a reasonable place to start, building type must also be considered. Row dwellings currently exist in apartment or commercial zones, and apartment buildings exist in residential row house zones. Penthouses large enough for habitable space are best accommodated on larger apartment buildings or within new construction along commercial corridors. Penthouses are least compatible with century old row dwelling structures, where the mere construction of stairwell access to a roof deck often appears as if an outhouse has been placed upon the rooftop. By considering building type in addition to the underlying zoning, we can better achieve appropriate and compatible penthouse structures in our neighborhoods when and where they occur.

As recommended by OP a 1:1 setback should be required from any building wall facing a public street or public alley. In addition to OP's recommendation, we need better guidance on common walls to balance the rights of all property owners. As construction by one property owner at the common wall impacts the abutting property owner's ability to construct a similar structure, standards need to be developed to ensure fairness.

With regards to usable penthouse space, it is further imperative that habitable penthouse space counts toward FAR, and when the increase in FAR results in additional living units that parking requirements be calculated accordingly.

Furthermore, while rooftop terraces and penthouse structures can be a boon for a property that otherwise is unable to provide outdoor public space, the allowance of such should not incentivize the destruction of generous private rear yards. Nor should we encourage reducing greenspace merely because we can "make it up" by including a rooftop terrace as part of a rooftop development.

While penthouses can provide an opportunity for additional habitable space in larger developments and multi-unit buildings, it is imperative that any changes to zoning related to penthouse structures does not undo the benefits derived from ZC 14-11 or result in a new assault on our century old row house structures.

ZONING COMMISSION
District of Columbia
CASE NO. 14-13
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