



Advisory Neighborhood Commission 1C

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Representing Adams Morgan

Commissioners:

Julie Seiwel (1C01)

Hector Huezo (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

Alan Gambrell (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

JonMarc Buffa (1C08)

October 8, 2015

Mr. Anthony Hood, Chairperson
Zoning Commission
441 4th Street, N.W., Suite 200-S
Washington, D.C. 20001

RE: ZC Case No. 14-13

At a duly-noticed public meeting held October 7, 2015, with a quorum of all 8 Commissioners present, Advisory Neighborhood Commission 1C passed the attached resolution on 14-13 by a vote of 8-0.

Sincerely,

Billy Simpson
Chair, Advisory Neighborhood Commission 1C

Attachment

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ZONING COMMISSION
District of Columbia

CASE NO. **14-13**
ZONING COMMISSION
District of Columbia
EXHIBIT NO. **132**
CASE NO. 14-13
EXHIBIT NO. 132

Penthouse Regulations (14-13)ⁱ - Resolution of ANC 1C

October 7, 2015

The Zoning Commission has issued a Notice of Proposed Rulemaking in Case No 14-13, setting out its proposed final text of revised Zoning Regulations concerning Rooftop Penthouses

Comprehensive Plan Provisions. The Comprehensive Plan

- Mandates the protection of the scale, character and architectural integrity rowhouse neighborhoods and their role in providing housing for larger households and thus helping to keep young families in the District, through a collection of precise actions and policies. This action program for protecting rowhouse neighborhoods includes provisions specifically related to curtailing penthouses and added stories
- Requires a setback from adjoining side walls of row houses and semi-detached houses,¹ which is necessary as rowhouses are relatively short buildings whose appearance can be greatly diminished by penthouse additions.

Potential Impact of Penthouses on Rowhouses Redevelopment of individual buildings, with disproportionately large penthouses, is particularly destructive in rowhouse neighborhoods as major changes to the mass or height of one rowhouse can diminish the livability of its immediate neighbors and rupture the integrity of the whole row

Proposed Revisions in 14-13. The revised 14-13 text contains improvements that could forestall damaging effects of excessive height and width of penthouses on rowhouses, specifically

- **Height and width.** §411.5 of the text prohibits roof penthouses as a matter of right on any “detached dwelling, semi-detached dwelling, rowhouse or flat in any zone,” other than for mechanical equipment or a guardrail. They are allowed by Special Exception but only for the purpose of providing a stair or elevator for roof access and up to 30 square feet of storage space ancillary to a roofdeck, and cannot exceed ten feet in height
- **Setback:** The text requires setback from adjoining walls where the two buildings have the *same* legal height limit for R-1 through R-4 zones (§411.18(a)(3)), but for R-5 and other zones limits the requirement to walls adjacent to a property with a *lower* permitted height (§411.18(a)(4)).² However, it does not require setback where the two buildings have the same building height limit. There is no perceptible reason for this arbitrary exclusion of rowhouses in Adams Morgan and other R-5 and Mixed Use zones from the two setback provisions mentioned above (§411.18(a)(3) and the ZRR), which would mean that for the typical interior rowhouse in those zones the penthouse could extend across the full width of the house. The proposed final text requires generally that “penthouses and mechanical

¹ Action LU-2 1 B Amendment of Exterior Wall Definition. Amend the city’s procedures for roof structure review so that the division-on-line wall or party wall of a row house or semi-detached house is treated as an exterior wall for the purposes of applying zoning regulations and height requirements

² As to side walls adjoining another building, the ZRR draft now also requires setback where the adjacent property has a lower matter of right building height. See C-1500 8(a)(2)

equipment shall be placed in one (1) enclosure and shall harmonize with the main structure in architectural character, material and color” (§411 6) and that “[e]nclosing walls of a penthouse from roof level shall rise vertically” (§411.10)

- The proposed final text substantially curtails exemptions from gross floor area (§411 13), providing an improvement from the earlier draft that provided a substantial exemption of penthouse floor area used for human habitation from inclusion within allowable gross floor area.

Prior ANC 1C resolutions have endorsed both the 10 foot height limit of “roof structures” and application of the side-wall setback formula provided in C§505 2(3). Roof Structures, April 2, 2014, updated September 9, 2015 and Penthouses, Passed January 7, 2015.

Therefore it is resolved that ANC 1C

- Commends the Zoning Commission for the very significant progress reflected in the proposed final text as regards protecting rowhouse neighborhoods from rooftop penthouses of excessive height, width and bulk.
- Commends the Zoning Commission for the enhanced attention to the aesthetic impact of penthouses reflected in the proposed final text, through requirements regarding penthouse design and compatibility of materials and color
- Commends the Zoning Commission for substantially curtailing exemptions from the inclusion of penthouse floor area from allowable gross floor area in the proposed final text.
- Urges the Zoning Commission to prohibit matter-of-right penthouses on any “detached dwelling, semi-detached dwelling, rowhouse or flat in any zone”, and limit the use and height and other dimensions of rowhouse penthouses that are allowed thereon by special exception, by enacting §411.5 of the pending draft, and clarifying that 30 square feet is the maximum floor area of roof structures covered by this provision, and
- Urges the Zoning Commission to enact the side-wall setback formula provided in §411.18(a) of the pending text, with §411 18(a)(3) amended so as to apply to any “detached dwelling, semi-detached dwelling, rowhouse or flat in any zone” and §411.18(a)(4) amended so as to reflect this change

¹ Case No. 14-13 (Notice of Proposed Rulemaking -- Text Amendments to Chapters 1, 4, 5, 6, 7, 12, 15, 19, 26, 27, 29, and 33 Definitions, Use Permissions, and Size Restrictions for Rooftop Penthouses)