

***Penn-Branch Citizens/Civic Association
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D.C. Zoning Commission
Anthony Hood, Chairman
441 4th Street, NW
Washington, DC

ZC 14-13 Habitable Penthouse

Chairman Hood and Members of the Commission:

The following comments are submitted on behalf of the Penn-Branch Citizens/Civic Association.

We appreciate the prohibition of MOR penthouses in most R zones.

Amend Section 411.13 to delete subsections (b) and (c), which exclude from building FAR calculations:

~~(b) Habitable space devoted exclusively to communal rooftop recreation;~~

~~(c) Habitable space within a penthouse with a floor area ratio of less than four tenths (0.4); and~~

We find no reasonable basis for the exclusion. As stated by multiple witnesses in hearing testimony in this case, this kind of provision completely inverts the reason why penthouses traditionally have been excluded when a building's height is measured. A mechanical penthouse is an ancillary use that allows a building to function and serves no independent purpose. It therefore reasonably is exempted from FAR. If rooftop space is to be used for a substantive function, that space self-evidently ought to be part of the FAR.

Reconsider Section 411.19, which states that generally, "[n]o setback is required from any side building wall that is adjoining another building wall with an equal or greater matter of right height."

This appears to assume that the adjoining building actually has been built to the equal or greater height. If the adjoining building is lower—or even equal — the penthouse without a side setback will stick up like a sore thumb. The Commission is well aware of multiple existing inharmonious mechanical penthouses and, in a related vein, pop-ups. In our view, because of the inherent design issues, **all habitable penthouse space proposed for adjoining buildings should require special exception relief.**

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Delete or amend Section 411.24 A request to provide that the addition of penthouse space to a building already approved by the Zoning Commission as a planned unit development or through the design review process may not be filed as a minor modification. PUD heights are painstakingly negotiated. The new rules allow up to 20 feet of additional building height with only a month's notice. Changing the height of a PUD disrupts the settled expectations of PUD process participants. The work of several years can be undone in a moment.

Zones C-1, C-2-A and C-2-B should be treated R-1 to R-4 zones. This proposal potentially allows neighborhood commercial zones to reach 70 to 90 feet, once PUDs and IZ requirements are applied along with habitable penthouses. This kills the nature and character of these zones.

We reiterate the widespread regret that the ZC chose to go forward on this issue

Sincerely,

Laura Richards

PBCCA Legislative/Regulatory Co-Chair