ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CASE NO. 14-13
Thursday, November 6, 2014

Testimony of Alma Hardy Gates, Administrator
Neighbors United Trust

Good evening members of the Zoning Commission. Recent zoning cases give the impression the city is for sale to the highest bidder. McMillan, Barry Farm and now Rooftop Penthouses are on the selling block. Families that have lived in the District for generations find themselves looking elsewhere to survive the rising prices that accompany rising development and height. Even millennials, who have been so effective in pushing decision makers, are feeling the financial squeeze of living in the nation's most expensive city.

An article in the October 25 issue of the Wall Street Journal clearly lays out the importance of views of the city to Washington Power Brokers. It noted, "Building Restrictions Limit Locales with a View; Balcony Envy."[1] Is that what this is really about – gambling with over 100 years of height limits for a few pieces of silver from power brokers? As the article notes, "A strictly nonpartisan battle is under way among Washington, D.C.'s power brokers and party planners – for rooftops with the best views." Without question, the headline supports the findings that Washington, DC is the nation's most expensive city and the higher the rooftop, the more exclusive the view. Let's be honest and get the reason behind tonight's hearing on Rooftop Penthouse Regulation changes straight. It's about money!

On page five of the Office of Planning's (OP) October 27, 2014 Memorandum, under Discussion of Setback Requirement for a Penthouse, it is noted that "The proposed clarification language is generally consistent with current Zoning Administrator practice for measuring penthouse setback…" At the very outset of the ZRR Task Force meetings, the Zoning Commission was informed there would be a Section M, which would contain the interpretation of the Height of Buildings Act by the Zoning Administrator. Tonight we are without that guidance and nothing is in writing with regard to Zoning Administrator interpretation. How convenient that everything is still in his head!

---

[1] Williamson, Elizabeth. October 24, 2014. The Wall Street Journal, *Washington Power Brokers Battle for the Rooftops.*

In the time I have left I want to point out some unintended consequences of the proposed changes home to you in both practical and graphic terms.

A small area of MacArthur Boulevard between Reservoir Road and V Street, which serves as the Palisades central business district (CBD), is zoned C-2-A. A recent proposal by Safeway to build a new store as part of a PUD development brought home the fact that the proposed zoning changes could have a profound effect on that small area of the Palisades community. Even gas station magnate Joe Mamo was lining up potential buyers for his Exxon Station site because he knew once the Safeway got its PUD and enclosed penthouse, there was no stopping development in the CBD. Fortunately, Safeway's new owner decided to sell its East Coast interests, but that doesn't mean another developer won't attempt the same out of scale development.

The current height of the single-story Safeway front façade is 20 ft. The allowable height is 50 ft. and a PUD would bring height up to 65 ft. Proposed penthouse development could raise the height to 85 ft. That would be a 65 ft. increase in height over what currently exists and 35 ft. above what is currently allowed; and, the proverbial "camel's nose" for CBD development on MacArthur Boulevard. No one expects heights on MacArthur to remain at 20 ft. but an increase to 85 ft. is completely out of scale with surrounding R-1-B neighborhood character. While extreme, this could happen citywide to any C-2-A zone district.

Members of The Developer Roundtable,[2] the city's all-star lineup, have already begun to whine loudly regarding the proposed housing linkage requirement. They lack noblesse oblige or a sense of benevolence and only want to reap the profits ensured through penthouse envy. Affordable housing is at the bottom of their list of development priorities – so the Zoning Commission must stick to its guns if it is serious about the housing linkage provision. And, a word about affordability – affordable for whom? This point has been raised repeatedly in ZRR testimony and other major zoning cases – please, don't issue another blank check - for Roundtable members. Penthouse development must come at a price and it can, but the regulations that permit that development must be written to benefit and balance outcomes for everyone, the city, its residents – and, the developers. <u>Penthouses should not be seen as another means to change low density neighborhood character</u>. For that reason, Neighbors United Trust opposes the text amendments as proposed for low density commercial areas in Case No.14-13.

[2] October 13, 2014. Letter from The Developer Roundtable to the Zoning Commission of the District of Columbia