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Comments on Zoning Commission Case 14-13 Penthouse Text Amendments

As a long-time city resident and property owner, I find it hard to understand the rush to do the widespread upzoning across the city that this proposal represents.

Congress's amendments to the Height of Buildings Act did not mandate height increases or penthouses—it allowed them, allowed, not required. They said we may, not we must. Just because it can be done, doesn't mean it should be. In fact, they seemed to contemplate penthouses in places where height maximums had been reached. Why are we jumping in with both feet to go even further? Are we going to be looking around in a few years and wonder what have we done?

The September 20, 2013 report entitled "Height Master Plan for the District of Columbia", the Office of Planning/Mayor recommending the elimination of Congressional height restrictions says

It should be noted that any actual increase to building height due to a more flexible Height Act would be implemented gradually, commensurate with actual population and job growth, and most significantly only through revisions to the District's Comprehensive Plan and zoning regulation [page 44]

There is nothing gradual about these proposed zoning changes, there is no suggested link to population or job growth; and no revisions have been made to the Comprehensive Plan. The only part of this commitment that is in play is the change in zoning regulation. Wouldn't it make more sense to consider these changes in the context of the Comprehensive Plan, especially with the revision process already scheduled to begin in January? What's the big rush?

The same report further says

While the Height Master Plan analysis and modeling studies serve to illustrate the impacts of additional height, they were not exhaustive nor intended to be because **actual heights outside of the Center City would always be determined by an inclusive and thoughtful process through revisions to the District's Comprehensive Plan and eventually to its zoning regulations** [page 46, emphasis added]

Good idea. There is no such thoughtful process at work here.

Further, when those amendments were under consideration, a *Washington Post* poll found that a majority of residents don't want to see the height of buildings increased. Isn't this a valid form of citizen input?

There are so many unanswered questions and so many potential unintended consequences that could and should be considered and addressed before making these changes.

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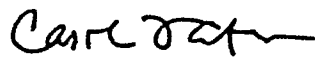
thing that often comes up is that penthouses create the opportunity for improved design. Why? Nothing in the changes would encourage or reward such design improvements. More likely we will see big glass boxes on the tops of buildings. Also, we talk about the setback in a way that makes it sound like the new building tops will be invisible from the street whether or not they create improved designs. If true, how does that suggest any improved design would be useful? And while it may be true that the setback works if you are on the sidewalk across the street, it's not true if you are walking along a cross street, seeing a building across a park, or looking out the window of an upper floor. What about security issues--penthouses overlooking key sites or motorcade routes? What about drawing pedestrian activity away from the street level on to roofs? What about noise and privacy issues?

Why are you using the pretense of the amendments to the HA to upzone areas that have been limited in height for reasons of scale and density not because of any Height Act restrictions? If they should be higher and denser, why not just add 20 feet and not fiddle around with "penthouses" and setbacks, etc.? Height limits in those areas governed by the Comprehensive Plan and existing zoning regulations should not be swept up in this current proposal.

Will the opportunities for penthouses encourage property consolidations to increase the penthouse space available and incentivize teardowns changing the character of low-rise multi-unit residential (potentially eliminating existing affordable housing) and neighborhood serving retail/commercial? The rule of unintended consequences certainly has fertile ground in this sweeping proposal.

In short, this is a rushed and ill-considered proposal that the Zoning Commission should send back to the drawing board asking that the Office of Planning bring back proposals for zoning changes after alternatives have been considered, real impacts have been determined, citizens have been consulted, and the Comprehensive Plan has been revised.

Respectfully submitted,



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