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November 23, 2014

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District of Columbia Zoning Commission
c/o District of Columbia Zoning Office
441 4th Street, N W.
Suite 200 South
Washington, D C 20001

RE Case No 14-13, Text Amendment Regarding Penthouse Regulation

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Please reject outright the proposed amendment, which would permit, as a matter of right, additions of 10 to 20 feet in height on buildings everywhere in the city. This is directly contrary to specific policies in District law, the Comprehensive Plan. It is, in fact, a "Pop-up gift to developers "

Over the years, the Dupont Circle Citizens' Association has worked with the Office of Planning and the Zoning Commission to get the zoning for our neighborhood in sync with the Dupont Circle Historic District, which covers our entire neighborhood. This has involved many years of work, and has resulted in five re-zoning cases, the last occurring several years ago with the help of Jennifer Steingasser of the Office of Planning

The directives of the Comprehensive Plan element on Dupont Circle, Policy NNW-2 2.2, are to

- *Require "a scale of development consistent with the nature and character of the Dupont Circle neighborhood in height and bulk",*
- *Ensure "a general compatibility in scale of new buildings with older low-scale buildings by restricting the maximum permitted height and floor area ratio (FAR) of the new buildings to that of the underlying zone,"*
- *Preclude "demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;"*
- *Enhance "the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development;" and*
- *Ensure "compatibility of development with the Comprehensive Plan."*

ZONING COMMISSION

District of Columbia

CASE NO. 14-13

District of Columbia

EXHIBIT NO. 14-13

EXHIBIT NO. 44

The proposed amendment would negate every one of these policies. The Comprehensive Plan is the law as passed by the D C Council. The FAR cannot be ignored. Dupont Circle contains zones from R4 to R5D and commercial zones C25 to C3B, including SP1 and SP2. Most of the residential area is R5B and R5C with a huge predominance of three-story row houses. Most of these are family residences with rented English basements.

The result of this change would be to encourage the further cutting up of these row houses into very small apartments. These conversions in Dupont Circle destroy row house interiors that accommodate families with children. And we now have many families with young children living in intact row houses. Will they be able to stay in their houses with developers' inducements to buy them at a high price and convert them to many small efficiency apartments for the biggest return for the buck? Why encourage the destruction of family housing? That is contrary to city policy.

The incentive of 20 extra feet, with a one-to-one setback, would make the situation dire, because a pop-up addition would necessitate, by code, the walling off of living space in the lower floors of a row house to create a fire-safe stair hall, further fueling conversions of family housing to efficiencies. This change would permit R5C and R5D areas on 16th Street, N.W., now inappropriately zoned at 90 feet, to have 110-foot high structures with no FAR limit on a street where fewer than 15% of the buildings are over 50 feet in height! This height would not even be permitted now in R5D in a PUD! As you know, 16th Street, N W and Massachusetts Avenue, N.W. are among the most distinguished streets, architecturally, in the city.

The small set-asides for lower-income housing would not deter these conversions, the set-asides could be transferred elsewhere.

Our commercial zones would also suffer. For instance, historic two- and three-story row buildings on 17th Street, N W and Connecticut Avenue, N W could well become subject to facadomies, the mutilation of the back of a building for a higher addition behind its façade with more FAR. An additional 20 feet – two extra floors – would encourage this practice. Twenty-foot additions could occur anywhere, including the tops of the superb Beaux Arts mansions on Massachusetts Avenue, most of which are owned by embassies.

There is a wide perception by Washington citizens that the Zoning Commission now represents only developers, and willfully ignores the quality of life and aesthetic needs of Washington residents. Demonstrate that this is not true by flatly rejecting this proposal in its entirety.

Sincerely yours,



Charles H. Ellis III, 2nd Vice-President