

ADVISORY NEIGHBORHOOD COMMISSION 7B
D.C. OFFICE OF ZONING

Resolution

2014 NOV 24 AM 8:54

IN OPPOSITION TO PROPOSED REGULATION TO INCREASE PENTHOUSE
DEVELOPMENT
ZC 14-13

Whereas, the Office of Planning has submitted amendments to numerous chapters of the Zoning Code pertaining to roof-top houses; and,

Whereas, the Commission has held the record open for comments to the proposed amendments; and,

Whereas, of primary concern immediately is the complexity and timing of these the hearing at a time which did not allow for full public debate and consideration of the complex changes (which need visual in addition to linguistic description to be fully understood; and,

Now Therefore, be it resolved that ANC 7B does hereby.

1. Object to the entire language and thrust of Section 400.7(b)(5), and,
2. Recommend that Section 400.7(c) require that all R1 To R4 zones allow structures over 4feet in height only by special exception, and,
3. 7B authorizes its Chair to submit testimony supporting our opposition

Be it further resolved that Advisory Neighborhood Commission 7B implore the Zoning Commission to.

1. Hold the record open for a further 90 days to allow full Public comment, and
2. In the interim hold two Roundtables requiring visual presentations by the Office of Planning explaining the intent of the changes so proposed by them, and,
3. Make the Roundtables available on the Zoning Commission website, and,
4. Coordinate this issue with the pop-ups zoning initiative.

This Resolution was adopted by ANC 7B at its Public Meeting held Thursday, November 20, 2014 a quorum being Present,

By a vote of 4 in favor and 3 against


Patricia Howard-Chittams, Secretary

ZONING COMMISSION
District of Columbia

CASE NO. 14-13

EXHIBIT NO. 54

District of Columbia
CASE NO. 14-13
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Testimony of Robert T. Richards

To the Zoning Commission

of the District of Columbia

RE: ZC 14-13 (Penthouse Development)
November 20, 2014

ANC 7B opposes the general thrust of the amendments proposed in ZC 14-13 and makes the following specific comments:

Section 400.7(b) proposed text: A penthouse [shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located.] **We do not object.**

The proposed alternative text is completely unacceptable. What is the Office of Planning thinking about? In particular, we find alternative text section 400.7(b)(5) execrable. That provision calls for a setback from "any wall that abuts a lot line and is taller than the greater of the adjacent property's existing or *matter-of-right* height." As OP and the Zoning Commission know, many buildings are built to less than their MOR height. This provision encourages the "pop-up" problem that is sought to be ameliorated in other zoning initiatives.

400.7(c). A 10-foot penthouse on a one-story single-family and on most 2-story houses can be visually distracting, even with setbacks. We recommend that penthouses in R1 through R4 zones that exceed 4 feet in height be subject to a special exception or design review. We also recommend that OP and ZC coordinate this rulemaking with

400.8(d). We recommend the alternative language, limiting penthouses to 18 ft., 6 in., subject to the further restrictions discussed under 400.7(c).

411.2. The new proposed text and the alternative text are identical. Is this intentional? In any event, we endorse this provision.

411.11. Any special exception relief for any penthouse in any zone should be entertained solely to allow compliance with requirements for housing mechanical equipment needed to maintain the building's operations without regard to nonmechanical penthouse uses. If nonmechanical uses cannot be accommodated without special exceptions, they should not be allowed to go forward. Such uses are an amenity, not a right.

411.8. This section states: "Gross floor area within a penthouse shall not be included in the calculation of the building's FAR. This should be revised to read: "Gross floor area within a penthouse *used solely for mechanical purposes* shall not be included . ." *Why are you giving away GFA???*

411.18. We endorse the alternative text: "Do not include this section." In case we have not been clear, "Do not include this section." And once again, "DO NOT INCLUDE THIS SECTION."

Affordable Housing Provisions: Our views are as follows. Affordable housing provisions, whether achieved through Inclusionary Zoning or other means, should be included in the rules and strictly enforced, provided that no affordable housing provision shall operate to increase the height or density of a building availing itself of penthouse development. Our comments regarding affordable housing are made subject to our earlier views on appropriate restrictions for penthouse development.

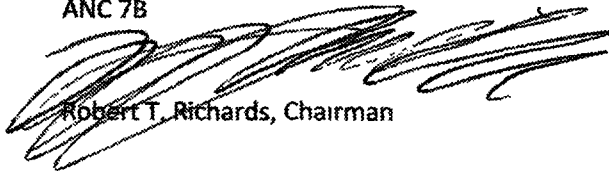
General Comments. This proposal was rushed through at a time when ANC's were submitting their final comments on ZRR and preparing for biennial elections. There was no need to hurry. The rules are complex and require extensive visual examples of what is being proposed. The proposal goes far beyond implementing the minor Height Act amendments that Congress enacted. It has very little to do with those amendments. Ideally, it should be withdrawn and the proposals considered during the Comprehensive Plan amendment process. If ZC and OP are determined to go forward at this time, at a minimum

- § the record should be held open for 90 days;
- § at least 2 roundtable with visuals explaining the proposal should be convened,
- § the roundtable should be available on ZC's website for reference,
- § extensive, meaningful visual modeling should be available on ZC's website,
- § this proposal should be coordinated with the pop-ups zoning initiative.

Thank you for your consideration of our view.

Respectfully submitted,

ANC 7B



Robert T. Richards, Chairman