

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: Joel Lawson, Associate Director, Development Review
Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: October 27, 2014

SUBJECT: ZC 14-13: Public Hearing Report - Recommendations for a Text Amendment to the Zoning Regulations: Rooftop Penthouse Regulations

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I. BACKGROUND

At its July 28, 2014 public meeting, the Zoning Commission received a report from the Office of Planning (OP), dated July 24, 2014, describing proposed amendments to the Zoning Regulations pertaining to rooftop penthouses arising from recent federal amendments to the Height Act. The Zoning Commission requested that OP work with the Office of the Attorney General (OAG) to draft proposed text amendment language, prior to set down, and noted a number of issues for which it wished to have alternative language prepared for inclusion in the notification.

At the September 4, 2014 special public meeting, the Commission set down the draft text. The Commission requested that the notification include a number of alternatives to specific portions of the text, and additional notices that the Commission was inviting comments on portions of the text for which no specific alternative had been suggested.

The proposed amendments to the zoning regulations complement the recent amendments by the federal government to The Act to Regulate the Height of Buildings in the District of Columbia of 1910 (the Height Act). Because the current Zoning Regulations pertaining to penthouse are in most instances more restrictive than what the Height Act amendment would permit, the changes to the Height Act cannot be given effect until corresponding changes to the Zoning Regulations are also adopted.

The relevant current regulations are summarized below; a more comprehensive description of the Height Act and the changes recently signed into law are provided in the OP Setdown Report (Exhibit 1).

II. EXISTING PENTHOUSE REGULATIONS

Regulation:	Revised Height Act:	Current Zoning Regulations:
Height:	20 feet maximum for habitable space	18'-6" maximum in all zones
Stories:	1 for habitable space above the Height Act limit; otherwise not regulated	Not directly regulated
Setback:	1:1 from all building exterior walls	1:1 from all building exterior walls
Area:	Not regulated (other than setback)	.37 FAR maximum; 1/3 of area of roof below, maximum.
Permitted Uses:	Any, including habitable space and space for mechanical equipment	Mechanical space; Habitable space not permitted, other than limited space ancillary to rooftop recreation space in residential buildings below the Height Act

Table 1 - Comparison of Height Act and Zoning Regulations Pertaining to Penthouses

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As shown in Table 1 above, existing Zoning Regulations are more restrictive than the amended Height Act, in that they

- Limit permitted uses within the penthouse to mechanical equipment and a limited range of ancillary spaces directly associated with rooftop recreation space for residential buildings below the Height Act (example – changing rooms, washrooms, etc.)
- Limit the height of a penthouse to 18’6” above the roof (§ 400.7(c) and various other zone specific regulations), although the zoning regulations do not provide a limit on the number of levels within a penthouse,
- Require a 1.1 setback from the edges of the building roof (§ 400.7(b) and various other zone specific regulations),
- Provide limits on the size of a rooftop penthouse, specifically:
 - An exemption from building floor area ratio (FAR) of 37 FAR for rooftop penthouse enclosed space (including mechanical equipment) (§ 411 7);
 - An area limit of 1/3 of the total roof area in those zones with a limit on the number of stories (R-1 through R-5-A, C-1, and C-3-B¹) (§ 411 7); and
 - Within the definition for “story”, which applies to all zones, a limit that *“the total area of all roof structures located above the top story shall not exceed one-third (1/3) of the total roof area”*;
- Require that all roof structures be in one enclosure (§ 411.3),
- Require that the roof structure(s) be of one uniform height (§ 411.5);
- Provide for special exception review of relief from some zoning regulations related to roof structures, but not those which govern penthouse height or size (§ 411 11); and
- Permit, for zones other than residential zones, that penthouse space does not count towards building parking requirements (example, § 537 2 for the SP zones).

Through the ongoing Zoning Regulations Review (ZRR) process (ZC Case 08-06A), OP has proposed the following amendments to how rooftop structures are regulated:

- 1) Reduce the permitted height of rooftop penthouses from 18’6” to 10’0” in low density zones and for low scale buildings;
- 2) Amend the amount of enclosed penthouse area from FAR from 37 to 40 (an increase of 0.03 FAR); and
- 3) Clarify rooftop penthouse setback for penthouses located below the Height Act limit

III. ANALYSIS OF DEVELOPMENT PROJECTS

In the setdown report, OP provided preliminary analysis of recent projects that went through discretionary approval processes, to assess the general current size of penthouses. Since setdown, OP has augmented that analysis with additional review, of both additional discretionary projects and existing residential multi-family and commercial buildings located in all parts of the city in various zones. The projects and sites examined, over 120 in total, have a combined land area of almost five million square feet.

¹ OP is proposing to remove the limit on the number of stories in the C-3-B zone as part of ZRR.

	Permitted	Actual - Commercial	Actual - Residential
Average area of rooftop penthouse space as a percentage of roof area below:	33%	25.6%	10.9%
Average FAR of rooftop penthouse area:	.37 FAR	.18 FAR	.06 FAR

Although actual numbers for individual buildings vary considerably, depending on factors such as the size of the lot, location, and use type, OP found only a very few examples of a building which appeared to approach the full .37 FAR exemption for rooftop space. There were some examples of buildings for which the penthouse area appeared to exceed 1/3 of the area of the roof below, in zones where this limitation is not applicable and mostly for mid-sized office buildings.

A review of recent Board of Zoning Adjustment (BZA) cases that included relief from penthouse restrictions (approximately 75 since mid-2005) indicated that:

- 57% included relief from the requirement that the penthouse walls be of equal height;
- 53% included relief from setback requirements;
- 36% included relief from the limit of one roof structure; and
- 15% included relief from penthouse height (typically in areas where the penthouse is restricted to less than 18'-6" in height).²

There were no cases requesting relief from the penthouse area restrictions, likely reflecting the limited use to which this space can be put.

OP analysis of the potential size of a penthouse on these buildings, built conforming to the proposed amendments is provided in this report in Section V Analysis and OP Recommendations.

IV. PROPOSED AMENDMENTS

In summary, the proposed amendments, including ones requested by the Zoning Commission at the setdown meeting, are intended to address the following:

1. Definitions as necessary;
2. Maintenance of the 1:1 setback requirement for a penthouse, but clarification of how this is interpreted;
3. Permitted penthouse height;
4. Permitted number of stories in a penthouse;
5. Permissions for solar panels on top of a penthouse;
6. Uses permitted within a rooftop penthouse, including whether habitable space should not be permitted in some zones, and whether some uses should not be permitted by-right within a penthouse;
7. Enclosing walls of a penthouse;
8. Permitted penthouse size;
9. Whether penthouse habitable space should count towards building FAR;

² Some cases involved relief from more than one of the penthouse related provisions.

10. Clarification of special exception review criteria for relief from specified penthouse regulations;
- 11 Process for amending a previous Zoning Commission approved Planned Unit Development (PUD) or Design Review project,
12. Linkage to the provision of affordable housing for habitable penthouse space in a non-residential building;
- 13 Inclusionary Zoning applicability to habitable penthouse space in a residential building; and
- 14 Whether parking should be required for penthouse habitable space

V. ANALYSIS AND OP RECOMMENDATIONS

1. **DEFINITIONS** - § 199 (note: all reference numbers refer to the zoning regulation section numbers as included in the Public Hearing Notice text):

Setdown Proposal:

- Add definitions for “The Height Act” and “Penthouse”

Height Act - Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat 452, as amended; D C. Official Code §§ 6-601.01 to 6-601.09).

Penthouse – A structure on or above the roof of any part of a building. The term includes all structures previously regulated as “roof structures” by § 411 prior to [*THE EFFECTIVE DATE OF THIS AMENDMENT*] including roof decks and mechanical equipment. .

- Amend the definitions for “Story” and “Story, Top”.

Story - the space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured.

For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars, or stairway or elevator penthouses, ~~or other roof structures;~~ **provided, that the total area of all roof structures located above the top story shall not exceed one third (1/3) of the total roof area.**

Story, top - the uppermost portion of any building or structure that is used for purposes other than **housing for mechanical equipment or stairway or elevator** penthouses. The term "top story" shall exclude architectural embellishment

Alternative Text Advertised:

None

Discussion:

The additional definitions are proposed for clarity and constancy with The Height Act. The use of the term “penthouse” for rooftop space is consistent with the terminology within the Height Act.

The modification to the definitions for “Story” would remove the size limitation on a penthouse before it is considered a story. Although most zones do not regulate the number of stories, the penthouse is not considered a story for zoning purposes.

OP Recommendation:

OP recommends the adoption of the new and modified definitions

2. **SETBACK REQUIREMENT FOR A PENTHOUSE** - §§ 400.7 (b), 530 5(b), 630.4 (b), 770 6 (b); 840 3 (b), 930 3 (b),

Setdown Proposal:

- Maintain the current 1:1 setback requirement for rooftop penthouses.

Alternative Text Advertised:

- Maintain the current 1:1 setback requirement, but provide clarification of when the setback is required.

Discussion:

The zoning regulations currently require a 1:1 setback from the edge of the building roof, for all enclosed rooftop penthouse areas. The Height Act also establishes a requirement that *“penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof”* – equal to a 1:1 setback.

The proposed clarification language is generally consistent with current Zoning Administrator practice for measuring penthouse setback, and is intended to provide a greater sense of certainty of when a setback is required. The language is also consistent with clarification language previously proposed as part of the Zoning Regulations Review (ZRR) process. Under the proposal, a setback would be measured from the outside wall of the roof upon which the penthouse sits, and would be required from.

- Any wall facing a public street;
- Any wall facing a public alley;
- Any wall facing a court open to a public street,
- Any wall that provides a setback from a lot line that it faces, or
- Any wall that abuts a lot line, and is taller than the matter-of-right permitted height of the building on the adjacent property – this would generally occur where the common lot line is also a zone boundary line.

OP proposes to add one additional clarification in response to Commission comments - that a setback be required from any lot line shared with a property which is historic, or contains a historic building.

OP Recommendation:

Retain the 1:1 setback, and adopt the additional clarification rules for the measurement of a penthouse, including one which would require a setback from a common lot line with a historic property or building.

3. PERMITTED PENTHOUSE HEIGHT - §§ 400.7 (c) & (d); 530.5 (c) & (d); 630.4 (c) & (d); 770.6 (d) & (e), 840.4 (c), 930.3 (c) & (d), 2906.2.

Setdown Proposal:

- Limit the height of a penthouse to ten feet maximum for any one family dwelling or flat, in any zone
- Permit a height of twenty feet for all other uses, consistent with the Height Act
- Retain existing more restrictive heights relevant to penthouses in zones where they currently exist (Capitol Interest § 1203.2; Ft. Totten § 1563.4, and Uptown Arts § 1902.1)

Alternative Text Advertised:

- Retain the currently permitted height of 18'-6" for all buildings or structures, other than for one family dwellings or flats

Discussion:

The zoning regulations currently permit a penthouse height of up to 18'-6" maximum for most zones, although certain overlay zones noted above have additional restrictions. The Height Act was recently amended to permit a penthouse height of twenty feet for habitable space within a penthouse located above the Height Act limit. Otherwise, the Height Act permits various things (over-runs, towers, minarets, etc.) to exceed the Height Act limit, but does not establish a maximum height.

Reducing the penthouse height to ten feet in lower density residential zones, as already proposed as part of ZRR, would be visually consistent with development patterns in areas where buildings tend to be shorter. A taller penthouse for mechanical equipment is typically not needed for a single family dwelling or flat, even if an elevator in the building is provided, and there is less expansive mechanical equipment needed.

Increasing the height of a penthouse to twenty feet for multi-family residential, commercial and industrial buildings would be consistent with the Height Act, would provide additional design flexibility for new buildings, and could help to facilitate the placement of green roofs, solar panels and other environmentally friendly systems on penthouses, in accordance with the Sustainable DC Initiative. Since the 1:1 setback requirement would continue to apply, a twenty foot tall penthouse would be required to be set correspondingly further back from the edge of the roof below.

OP Recommendation:

- Limit the height of a penthouse to ten feet maximum for any one family dwelling or flat, and to twenty feet for all other buildings or structures.
- Permit a height of twenty feet for all other uses, consistent with the Height Act.
- Retain existing more restrictive height limitations relevant to penthouses in zones where they exist (Capitol Interest § 1203.2; Ft. Totten § 1563.4; and Uptown Arts § 1902.1)

4. PERMITTED NUMBER OF STORIES - §§ 411.18,

Setdown Proposal:

- Permit two levels or stories, except limit the number of stories in a penthouse to one, if
 - 1 The penthouse is located on a building that is located within a R-1 through R-4 zone;
 2. The penthouse is located on a one- family dwelling or flat in any zone;
 3. Any portion of the height or volume of the penthouse is located above the height limit established by The Height Act for the site, or
 4. There are more restrictive height limits relevant to penthouses (Capitol Interest § 1203 2, Ft. Totten § 1563 4, and Uptown Arts § 1902 1).

Alternative Text Advertised:

- Retain the current situation where number of stories is not limited, other than as limited by the Height Act.

Discussion:

The zoning regulations current do not address number of stories for a penthouse. The recent amendment to the Height Act specifically limits the number of stories to one for habitable space within a penthouse located above the Height Act; there is no limit on the number of stories otherwise.

While penthouses of more than one story are currently not common, examples have been seen, including the location of mechanical equipment inside a level above amenity space, within the current 18'-6" height limit. Allowing two stories could permit a more full utilization of the permitted volume with permitted use, and thereby encourage more visually appealing screening by wrapping mechanical equipment and elevator enclosures with habitable space.

OP Recommendation:

Except in the instances noted above, permit two stories within a penthouse.

5. SOLAR PANELS ON TOP OF A PENTHOUSE ROOF - §§ 400 7 (e); 530.5 (e), 630.4 (e), 770.6 (f); 840.3 (d); 930.3 (e), 2906 5

Setdown Proposal:

- Do not permit mechanical equipment on a penthouse roof, to extend above the permitted height for the penthouse.

Alternative Text Advertised:

- Clarify that no mechanical equipment on a penthouse roof can extend above the permitted height for the penthouse, including solar panels.

Discussion:

Zoning regulations currently do not clearly state what, if anything, is permitted to be on a penthouse roof. The Zoning Administrator has interpreted the regulations to permit limited green roof infrastructure, and in some cases, low scale mechanical equipment or solar panels on a penthouse roof, provided it is screened. The Height Act does not address this issue, and does not restrict the height of mechanical equipment in general. The Zoning Commission will be

addressing this issue more comprehensively in a separate case to be brought forward to you shortly, which will provide regulations for solar panel permissions in all locations, but the Commission requested that proposals for regulations for solar panels on a penthouse be included as part of this initiative.

The use of solar panels is expanding in the District, and is an important component of the Sustainable DC Plan. There is great potential for solar panels in the District, as highlighted on the DDOE website (<http://www.mapdwell.com>), which approximates solar panel potential and provides cost / benefit analysis for building owners

OP has attempted to balance the potential visual impacts of solar panels with the ability to best utilize an important location – the penthouse roof – for this use. In many ways, the penthouse roof is the most efficient and logical place for solar panels – it is here that they would be least likely to interfere with other rooftop uses, would be least likely to be shaded by other uses on or off site, and would be least visually obtrusive, if designed, located, and screened properly. As such, the zoning regulations should provide flexibility to both provide for solar panels, and to provide reasonable flexibility to accommodate an evolving technology. For example, solar panels are typically more efficient if angled to be more perpendicular to solar rays, but newer solar panels themselves are more efficient, so flat panels can be a viable option. Other new technologies allow solar panels and green roofs to coexist - the solar panels can help to protect green roof plants from stronger sunshine while the green roof cools the solar panels, allowing them to operate more efficiently.

OP Recommendation:

The original OP recommendation did not anticipate including solar panels as mechanical equipment. To facilitate this important source of energy production, and to provide reasonable flexibility for a technology that is quickly changing, OP recommends that solar panels be permitted on a penthouse roof under the following circumstances:

If the top of the solar panel is below the height permitted for the penthouse (i.e. the penthouse is less than the permitted height) and the solar panel is less than 4 feet in height:

- require a setback from all edges of the penthouse roof equal to the maximum height of the solar panel.

If the top of the solar panel is below the height permitted for the penthouse but the solar panel is greater than four feet in height:

- require a setback from the all edges of the penthouse roof equal to the maximum height of the solar panel, and
- require screening at the edge of the penthouse of a height equal to at least one half (1/2) the maximum height of the solar panels.

If the penthouse is constructed to the maximum permitted height, allow a flat solar panel (one with no slope) provided:

- it is no more than 18" in maximum height from the penthouse roof; and
- it is set back from all edges of the penthouse roof by a distance equal to its height (i.e. a 1:1 setback).

For an existing penthouses at the currently permitted height of 18'-6", permit solar panels if:

- the maximum height of the panels is four feet;
- the panels are set back from the edge of the penthouse a distance equal to their height (i.e. a 1:1 setback), and
- a parapet or screening is provided at the edge of the penthouse to a maximum height of 18" above penthouse roof (i.e. to a height of 20' above the building roof below).

6. USES PERMITTED WITHIN A PENTHOUSE - §§ 411.1 & 411.2

Setdown Proposal:

- Limit permitted uses within a penthouse on a building within the R-1 through R-4 zones, or any one-family dwelling or flat in any other zone, to mechanical equipment, stairway and elevator overrides, or ancillary space directly associated with a rooftop deck.
- In all other zones or uses, limit uses permitted within a penthouse to any use permitted within that zone

Alternative Text Advertised:

- Refine the limitation on uses within a penthouse on a building within the R-1 through R-4 zones, or on any one-family dwelling or flat in any other zone, to mechanical equipment, stairway and elevator overrides, or storage space directly associated with a rooftop deck
- Although specific text was not advertised, the Zoning Commission also requested public comment on whether specific uses permitted within the zone should be permitted within a penthouse only by special exception and, if so, whether special conditions including radius and noise limitations should be considered by the BZA or the Commission when considering such an application.

Discussion:

The zoning regulations currently limit uses permitted within enclosed space on the rooftop to mechanical equipment, elevator and stair overrides, and limited amenity space directly related to outdoor rooftop recreation spaces for residential buildings. Specified towers and architectural embellishments are also permitted on the rooftop. Habitable space, such as living space, offices, commercial space, conference rooms are not permitted. Until recently, the Height Act also did not permit habitable space, but the recent changes would permit any form of habitable space within the penthouse. The Height Act also permits specified features such as water towers, mechanical equipment, and towers and minarets. These have been interpreted by the Zoning Administrator, who is charged with interpreting the Height Act, to include other reasonably similar features on the roof.

The use of rooftops for recreation space has become increasingly popular, for residential, hotel, and office buildings. Such space provides valuable and desired amenities to residents, guests, and workers of the building. The ability to locate this space on the roof provides additional opportunities for developers to provide this amenity space, and additional flexibility to deliver this space in a preferred location. Locating amenity space on the roof can free up space in the remainder of the building, space that might have been devoted to amenities, for other desirable uses, such as ground floor retail (where permitted), additional residential units or office space, or even additional parking or storage in below grade levels.

Expanding the range of permitted uses would continue to encourage the utilization of the rooftop while further encouraging the use of high quality design and materials for the penthouse and the roofscape. Combined with the other requirements being discussed for penthouses, this would provide great benefit to the District while potentially improving the city skyline.

At the setdown meeting, members of the Commission expressed some concerns that expanding the range of permitted uses may put pressure on the ability to provide rooftop recreation space, or green roof or other environmental benefits. It is expected that residents and workers will continue to value, and place a premium on, access to rooftops for recreation amenity space. The slight increase in proposed height would help to encourage the placement of green roof on top of the penthouse roof, while the corresponding greater setback from the edge of the roof would help to minimize both visual and shading impacts. Other provisions, including the Green Area Ratio and the Stormwater Management regulations administered by DDOE would ensure that environmental goals are met. On a much broader scale, allowing more efficient utilization of District land (even in a small way as proposed in these amendments) could help to lessen regional demands for development where services and particularly mass transit are less available. While a developer would have to weigh the options, increased use of the rooftop should also encourage more creative and pleasing design

The Zoning Commission also requested public comment on whether certain uses should only be permitted on the rooftop by special exception. As of the date of submission of this report, no public comments related to this issue have been filed to the record.

Any use not permitted in the zone would not be permitted in the penthouse. If the Commission wished to consider special exception for certain uses, this should be limited to uses which are permitted in the zone, but could be more likely to create objectionable conditions in the evening / night hours, such as a nightclub, bar, or restaurant. The Commission could further condition this provision by requiring special exception only if the building in question is located adjacent to a residential zone or if there is any residential use within the building

OP Recommendation:

OP recommends that the Zoning Commission permit all forms of habitable space that are permitted within the zone to be permitted within the penthouse, in all zones other than the R-1 through R-4 zones. In the R-1 through R-4 zones or any one-family dwelling or flat in any other zone, OP recommends that permitted uses within a penthouse be limited to mechanical equipment, stairway and elevator overrides, or ancillary space directly associated with a rooftop deck – OP's original recommendation, to provide some reasonable flexibility to homeowners

If the Commission wished to consider permitted certain uses only by special exception, OP recommends that a nightclub, bar, or restaurant be permitted only by special exception, if the building in question is located adjacent to a residential zone, or if there is any residential use within the building.

7. ENCLOSING WALLS OF A PENTHOUSE - § 411.6:

Setdown Proposal:

- Delete the requirement that all penthouse walls “be of equal height, and shall rise vertically to a roof”

Alternative Text Advertised:

- Retain the requirement that all penthouse walls “be of equal height, and shall rise vertically to a roof”
- Require that the walls of an enclosed penthouse shall be of equal height above roof level, and shall rise vertically to a roof, but permit screening walls for mechanical equipment not contained within a penthouse to be of a different, uniform height

Discussion:

The zoning regulations currently require that all walls of the penthouse be of one height. While this can result in a more unified penthouse massing, this also leads to situations where penthouse walls higher than would be required by the internal use are provided, although relief from this requirement is the most common form of penthouse structure relief requested and granted by the BZA. The Height Act does not address this issue.

The proposal to remove this requirement was intended to help ensure that penthouses are not made artificially large and tall, by allowing the height of the penthouse to better reflect what was required by the use within it, and to be more responsive to the design intent of the architect. Combined with the other considerations of this penthouse text amendment, it could also allow for better utilization of penthouse space by allowing more tiered space within the 1:1 setback envelope. This is particularly the case on small or narrow lots, where the provision of a tall penthouse, to match the height of the taller elevator over-ride, results in setback requirements that make the penthouse space not viable. An alternative for addressing this issue may be to allow one height for enclosures for mechanical equipment or non-habitable space (such as elevator over-rides), and a separate height for habitable space.

The second aspect to this provision is that all walls rise vertically, presumably generally at a 90° angle to the roof below, although the Zoning Administrator has advised OP that some lee-way on what is considered “vertical” has been granted. OP is unsure of the intent of this requirement, although it may have been to help differentiate a rooftop enclosure from “attic” space within a sloped roof. Permitting a sloped wall would provide design options which could lessen the visual impact of a penthouse and remove an unnecessary design restriction, and may help to encourage the use of solar panels as the enclosing walls of a penthouse.

At the setdown meeting, Zoning Commission members expressed concern that removing this provision could lead to multiple rooftop structure heights which would result in more visually busy rooftops. An alternative solution, recently raised by Historic Preservation staff concerned about the visual impact of unnecessarily large penthouse enclosures under the current regulations, was discussed. Under this alternative, the enclosed penthouse area would be required to be of one height, but screening walls around uncovered mechanical equipment could be a second uniform height, provided that they do not exceed the penthouse height limit.

OP Recommendation:

OP continues to recommend removal of this provision. However, OP would support a revised alternative, to allow one height for habitable enclosed space and a separate height for enclosed non-habitable (mechanical) space, and would support a modified alternative to allow a separate height for unenclosed mechanical equipment screening walls.

OP continues to recommend deletion of the requirement that walls be “vertical”

8. PERMITTED PENTHOUSE SIZE OR AREA - §§ 411.8 & 411.9

Setdown Proposal:

- Retain the requirement that a penthouse area cannot exceed 1/3 of the total roof area within the R-1 through R-4 zones or on any one-family dwelling or flat in any other zone, and
- Remove the current size (other than height and setback) provisions for penthouses in other zones and uses - .37 FAR maximum, or maximum of 1/3 of the total roof area for those districts where there is a limitation on the number of stories

Alternative Text Advertised:

- None.

Discussion:

The current zoning regulations include four main restrictions on the area of a penthouse on the roof

- 1 The definition for “story” limits the total area of the penthouse(s) to a maximum of one-third (1/3) of the total roof area – beyond this, the penthouse would be considered a “story”;
- 2 § 400 7 requires a 1:1 setback to the penthouse walls from the edge of the roof directly below;
3. § 411.7 provides for an allowable penthouse floor area ratio increase, beyond that permitted in the zone, of .37 FAR; and
4. § 411.8 restricts the size of the penthouse to a maximum of one-third (1/3) of the total roof area for those districts where there is a limitation on the number of stories

The Height Act includes only one restriction which indirectly dictates the maximum area of a penthouse – the 1:1 setback requirement from the edge of the roof below. This is mainly intended to lessen the visual impact of a penthouse as seen from ground level, but also effectively restricts the area of the roof that a penthouse can cover, although the impact varies greatly depending on the size and configuration of the lot and the building.

OP has conducted analysis to determine the potential penthouse size if these area restrictions were removed. The analysis assumes the retention of the 1:1 setback requirement, as proposed in Issue 2 of this report. The analysis also assumed a 20 foot penthouse height and the corresponding 20 foot setback requirement, although on some smaller lots or oddly shaped buildings, particularly in residential zones, the setback can make the penthouse very small and impractical for any meaningful habitable space. OP used both architectural plans and GIS mapping data for this research, and analyzed 100 office, hotel and multi-family residential proposed and completed developments in a range of locations, lot sizes, and zone districts. The following chart provides a summary of the analysis with averages for these projects when the proposed penthouse regulations are applied to the building.

Principal Building Use	Average Lot Area	Average Roof-top Area	Average Existing Penthouse SF	Average Potential Penthouse SF	Average Potential Penthouse FAR	Av. Potential Penthouse % of Roof Area
Residential	41,613 sf	21,270 sf	2,400 sf	10,890 sf	0.26 FAR	51%
Commercial	38,631 sf	26,240 sf	6,660 sf	16,630 sf	0.43 FAR	63%

Roof-top Area – Area of the uppermost level of roof upon which the penthouse sits. Although the average lot size for residential development exceeds that of commercial buildings, the roof area tends to be less, likely reflecting the larger setback requirements for residential buildings and standard floor plates for the different uses.

Existing Penthouse SF – The size of enclosed penthouse space and screened mechanical equipment on the roof. The amount varied considerably, but tended to be greater for office or hotel buildings than for multi-family residential buildings. However, the penthouses for planned or recently constructed residential projects tended to be larger than that of older residential buildings, likely reflecting the increasing desire to utilize rooftops for amenity space.

Potential Penthouse SF – Potential square footage of a penthouse based on meeting all 1:1 setback requirements. This includes all forms of use – mechanical space, over-rides, amenity space, and habitable space. The area varied considerably, depending of the size, shape, and design of the building below – from virtually zero on a small and narrow lot, to over 100,000 sf on a very large commercial lot with a particularly large roofscape. Potential penthouse area tends to be larger on non-residential buildings, reflecting the larger rooftop area and, in many cases, a “boxier” building footprint which can facilitate more penthouse area meeting the setback requirements.

Potential Penthouse FAR – Potential penthouse area / lot area, for comparison with the current exemption of .37 FAR. Again, the potential penthouse FAR varied on individual buildings, from as low as .05 FAR on a small residential lot, to as high as .61 FAR for a larger commercial lot. This number also includes all potential penthouse space, regardless of whether it is of a size or configuration that would be viable or usable.

Potential Penthouse Percentage of Roof Area -Penthouse area / area of roof below, for comparison with the 1/3 area limit applicable to some zones in the current regulations. This varied from 10% to as much as 85%, on a particularly large commercial site. Overall, the percentage of the area of the roof that could potentially be penthouse increased with lot size.

In some instances, particularly smaller or narrower lots, a viable penthouse would only be possible at a lower height. OP looked at this impact for a number of smaller residential buildings – ones in which the size of the roof or the configuration of the building severely limited the penthouse potential size or functionality³. With an average building roof area of just over 10,000 sq.ft., the average penthouse size would be 2,570 sq.ft at 20 feet in height, but 6,000 sq.ft. at 10 feet in height.

³ For example, a forty-five foot wide roof would allow only a 5 foot wide penthouse at 20 feet in height, but would allow a 25 foot wide penthouse at 10 feet in height.

OP Recommendation:

OP recommends that the size limitations of § 411.7 (exempts .37 FAR from floor area ratio calculations) and § 411.8 (limits the size of the penthouse to a maximum of one-third (1/3) of the total roof area in those districts where there is a limitation on the number of stories) be deleted, except for single family dwellings and flats. This would permit a more full utilization of the potential penthouse area, consistent with The Height Act, and permit a more robust affordable housing linkage program

9. FLOOR AREA RATIO (FAR) - § 411.8:

Setdown Proposal:

- Retain the current provision that penthouse gross floor area does not count towards the permitted FAR for the building.

Alternative Text Advertised:

- Alternative text was not advertised, but the Zoning Commission invited public comment on whether penthouse habitable space should count towards the permitted FAR for the building.

Discussion:

Currently, up to 0.37 FAR of penthouse space can be exempted from the otherwise permitted FAR for the site. For example, on a 10,000 sq ft lot, a penthouse of 3,700 sq ft would not count towards FAR, any space greater than this would count towards the building FAR. Under the current regulations, none of this space could be habitable.

As part of the Zoning Regulations Review process (ZRR), OP has proposed that the permitted penthouse area be increased slightly to 0.40 FAR. At its ZRR public meeting of October 8, 2014, the Commission voted to instead review all penthouse proposals as part of this case.

The Height Act does not address this issue directly and does not address FAR for either buildings or the penthouse area.

As noted above, OP analysis of constructed and recently approved developments found few cases where the enclosed penthouse approaches .37 FAR, a reflection of the limited utility of this space under the current regulations. As noted above, however, even with retention of the 1:1 setback requirement, the proposed changes to penthouse use and area would facilitate a more efficient use of the rooftop and penthouse space. Typically, with a twenty foot tall, one story penthouse, the analysis indicated that the additional FAR is not large, averaging .26 FAR for residential buildings and .43 for commercial buildings, although the amount would vary with the amount of the penthouse area devoted to mechanical equipment rather than habitable space, the building and site configuration, the number of stories (if more than one story was permitted), and the height (and therefore setback) of the penthouse. For example, for the multi-family residential buildings on small lots, the potential penthouse FAR increased from an average of 0.13 FAR for a twenty foot tall penthouse, to 0.32 for a ten foot tall penthouse.

Counting this space in building FAR, as advertised in the alternative, would be intended to encourage additional sculpting of the entire building, by essentially allowing a “shifting” of some of the density up to the penthouse level. However, this would also reduce the incentive to provide this space and would limit the benefits (in terms of additional taxable building area) to the District. Existing buildings constructed to their maximum FAR would not be able to take advantage of the provision at all. However, the added value attached to “higher” space, whether

residential or commercial, potentially with better views or access to rooftop terrace space, would provide some incentive to use this allowance for new construction. Finally, including the penthouse FAR in overall building FAR would restrict the effectiveness of any housing linkage program being considered as part of this initiative.

OP Recommendation:

OP recommends that penthouse area, including habitable space, not be included in the overall building FAR. This would both encourage a better utilization of the rooftop, and ensure the maximum effectiveness of any housing linkage program (Issues 12 and 13) that the Zoning Commission may approve.

However, if the Commission wishes to include penthouse area in building FAR, OP would recommend that the mechanical space and elevator and stair overrides continue to not be counted towards building FAR, and that the amount of penthouse space that may be exempted from building FAR calculations be increased, for example to a minimum of 5 FAR.

10. SPECIAL EXCEPTION REVIEW CRITERIA FOR PENTHOUSE REGULATION RELIEF - § 411.11

Setdown Proposal:

- Retain the review criteria for special exception relief from specified penthouse regulations.

Alternative Text Advertised:

- Provide additional clarification of the term “operating difficulties”.

Discussion:

The Zoning Commission requested additional clarification of this provision, to permit a more effective review of special exception cases and to provide additional guidance to applicants and the BZA. In the notification, OP proposed language noting that operating difficulties included “meeting building code requirements for roof access and stairwell separation or elevator stack location to maximize efficiencies in lower floors”. If other common operating difficulties are raised, OP anticipates that this clarification could be expanded.

OP Recommendation:

OP recommends that this clarification language, along with additional clarification that may be proposed by the Zoning Commission or through public testimony, be incorporated into the text.

11. PROCESS FOR AMENDING AN APPROVED PUD OR DESIGN REVIEW PROJECT - §411.20:

Setdown Proposal:

- Permit a request to add penthouse space to a building approved by the Zoning Commission as a Planned Unit Development (PUD) or through design review to be filed as a minor modification for placement on the Zoning Commission consent calendar, provided the additions would be conforming to the regulations and not result in any additional relief from requirements.

Alternative Text Advertised:

- None

Discussion:

OP is proposing that the changes to penthouse height, area, and use be permitted by right. As such, in addition to being incorporated into the design of a new building, any existing building could reassess its rooftop and make conforming improvements.

The exception would be a building approved through a PUD or design review process by the Zoning Commission. For these buildings, a modification to the Order would be required, even for the additions that would be fully conforming to the new regulations. Typically, the addition of square footage or additional uses to a building approved through a PUD would require a public hearing – an expensive and time consuming process.

OP Recommendation:

OP recommends that the Zoning Commission provide for a consent calendar minor modification approval process for conforming rooftop improvements resulting from these changes, pursuant to §3030. As with any minor modification, the Commission would have the option of removing it from the consent calendar and scheduling a public hearing.

Typically, a consent calendar minor modification item is “of little or no importance or consequence” (§3030.2). Although a consent calendar item for this purpose is warranted, the changes could exceed what is otherwise normally considered of little or no consequence. As such, OP would not be opposed to the following conditions:

- 1 The applicant include with the filing a dimensioned copy of the approved and the proposed roof-plan, elevations as necessary to show the changes; and a written comparison of the proposal to the zoning regulations,
- 2 The applicant include with the filing a verification that the affected ANC has been notified of the request; and
3. The Office of Zoning not place the item on a consent calendar for a period of 30 days minimum following the filing of the application, to provide adequate time for ANC and staff review of the proposal

12. AFFORDABLE HOUSING LINKAGE FOR THE PROVISION OF HABITABLE PENTHOUSE SPACE ON NON-RESIDENTIAL BUILDINGS - § 414.

Setdown Proposal:

- Establish a requirement that new habitable penthouse greater than 1,000 sq ft for a non-residential building provide affordable housing consistent with the current housing linkage requirement for discretionary gain of non-residential floor area through the PUD or street/alley closing processes, by either:
 - 1 Providing affordable housing (on or off-site) in the formula established for the current housing linkage requirement (a sliding scale of ½ to ¼ of the area of the applicable penthouse space, depending on the distance of the affordable housing from the subject site); or
 - 2 Providing a contribution to a housing production trust fund, using the formula consistent with the current housing linkage requirement, essentially resulting in a contribution equal to ½ of the assessed value per square foot of the applicable penthouse area

- This would retain the applicability limits of the current housing linkage requirement noted above, including that it would not apply in areas of the downtown where there is already a minimum housing requirement to be met onsite or through combined lot, or properties owned by WMATA and used for public transportation or the District.

Alternative Text Advertised:

- The Zoning Commission requested an additional proposal be advertised, to:
 1. Broaden the applicability by also applying the requirement to new penthouse space, for example to include the downtown; and
 2. Require a larger contribution of one square foot of density for low-income households for every one square foot of new penthouse non-residential gross floor area; or a contribution to a housing production trust fund equal to the full assessed value of the proposed penthouse non-residential gross floor area for office use.

Discussion:

The Commission expressed a strong desire to establish a meaningful affordable housing linkage requirement to any new habitable penthouse space, but also expressed a desire to ensure that the provision does not restrict the ability to provide rooftop amenity space. OP worked with OAG to provide a proposed process similar to the one currently in place for PUDs which include “an increase in gross floor area devoted to office space over and above the amount of office space permitted as a matter of right” (§ 2404 1). It is also similar to the Council review process for housing linkage for street and alley closing applications resulting in additional office space. Although similar in form to these processes, the developer would not require a PUD or other form of discretionary approval process, if the requirement is met

OP proposed that mechanical space, over-ride space, and amenity space associated with outdoor recreation not count towards this requirement. OP also has proposed a minimum threshold for the requirement of 1,000 square feet of habitable commercial penthouse space.

For commercial building penthouse space, whether for a new building or an addition, the provision of affordable housing on-site would be highly unlikely, so provisions to provide for the off-site location of the space or contribution to a housing production trust fund are important. OP used the existing and planned building penthouse area analysis noted above to assess the potential impacts of the housing linkage proposal to commercial developments. To assess the impact of the housing linkage, OP used the following formula:

$$\begin{array}{ccccccc} \text{(Potential} & & \text{Non-habitable} & & \text{Land value per sq.ft.} & & \text{A value premium} \\ \text{penthouse sq.ft.} & - & \text{sq.ft.)} & \times & \text{of building} & \times & \text{for rooftop space} \end{array}$$

In addition to estimating the maximum potential penthouse area, OP estimated how much of the penthouse might be devoted to habitable space, rather than for non-habitable space which OP has recommended not be subject to the housing linkage requirement. OP then applied the average assessed land value for that use in that zone, and included a value premium calculator, since the value of space tends to increase on floors at the top of the building. However, in some cases, particularly for the construction of new penthouse space on an existing building, there are also additional costs associated with construction on the roof which may offset the value premium.

This is only a very rough estimate of the impact of the housing linkage requirement on any individual site – many factors, such as building size and age, location in the city, zone, use; and size of both the building and the proposed penthouse would significantly impact the assessed land values, the value of penthouse space, and the feasibility and costs associated with constructing new rooftop space. As such, OP analysis should not be taken to indicate the potential impact on any site, but rather to provide an approximation of the potential impacts for illustrative purposes only.

Of the commercial buildings and projects studied:

- About 10% had rooftops sufficiently small that any potential penthouse at 20 feet in height would be less than 1,000 square feet in area
- Of the remainder, the average size of the potential penthouse, minus non-habitable space, was just under 13,000 sq.ft.
- Under the OP original proposal, similar to the currently housing linkage requirement, the housing linkage requirement for new penthouse habitable space of this size would be about \$940,000 per building
- Under the alternate proposal, which doubles the current housing linkage requirement, the value of this new penthouse habitable space would be about \$1.88 million per building.

The addition of new penthouse space, whether constructed as part of a new building or as an addition to an existing building, represents an additional up-front cost to the owner, which would take some time to recover. Since it is expected that most developments would utilize the option to provide a payment to a housing production trust fund, the additional up-front housing linkage requirement increases this cost, and will make the full utilization of the penthouse provisions less desirable, as it would be less cost effective to do so. As such, the deeper the linkage program, the less likely it may be that builders will elect to improve rooftops consistent with new provisions. It will be important to balance the various objectives of this initiative to address broader city objectives – to provide new flexibility and opportunities for better utilization of our rooftops with the resulting fiscal, employment, design, and sustainability benefits, and the critical need to provide additional affordable housing in the city.

OP Recommendation:

OP continues to recommend that if the Commission wishes to establish a housing linkage requirement for penthouse habitable space in non-residential buildings, the program be similar to the current housing linkage program. This would eliminate the need to create a new or revised process and allow new development to precede forward by-right, either through a contribution to a housing production trust fund, or by providing the affordable housing as established in the regulations.

OP cannot at this time support the alternative to require the deeper contribution, as it would appear to result in the program producing significantly less (if any) penthouse space and therefore potentially lessen both the amount of affordable housing provided through the program and other benefits to the District.

Finally, OP recommends that space currently permitted in the penthouse – mechanical space, over-rides, and amenity space associated with rooftop recreation space – be exempted from this requirement.

13. INCLUSIONARY ZONING FOR THE PROVISION OF HABITABLE PENTHOUSE SPACE ON RESIDENTIAL BUILDINGS- Chapter 26:

Setdown Proposal:

- Amend the Inclusionary Zoning provisions of Chapter 26 of the zoning regulations as necessary to apply IZ requirements to new habitable residential penthouse space (i.e. penthouse space not currently permitted), in a manner consistent with the current IZ regulations.

Alternative Text Advertised:

- The Commission also requested the advertisement of alternate language that would:
 1. Broaden this requirement to apply in all parts of the city, including areas where IZ does not currently apply, such as the downtown and Transfer of Development Rights (TDR) receiving areas.
 2. Deepen this requirement, by requiring one square foot of gross floor area for inclusionary units set-aside for eligible low-income (50% of AMI) households for every square foot of residential gross floor area contained in the building's penthouse

Discussion:

OP worked with OAG to draft proposed amendments to apply IZ to the new habitable space in the penthouses of residential buildings, per the Commission's direction. The IZ program currently establishes both set-aside requirements and bonus density and, in some zones, height for providing the required affordable housing. Depending on the zone and the type of construction, the IZ program requires affordable housing at 8% to 10% of the gross residential floor area at an AMI of 50% to 80%. The current program applies broadly, but does not apply in parts of the city where a bonus to offset the cost of the affordable units is not possible, principally the R-5-E zone, and the downtown and TDR receiving areas where maximum height and density are permitted by-right.

OP utilized the potential penthouse area analysis noted above, for both existing and proposed residential buildings, in this analysis. After establishing the potential size of the penthouse under the proposed regulations, OP estimated how much of the penthouse might be devoted to habitable space, rather than for mechanical space which OP has recommended not be subject to the housing linkage. The remaining amount would be subject to the IZ requirement. OP then calculated the IZ requirement for the penthouse space for each building, and whether the added benefit of the penthouse space would sufficiently offset the cost of the IZ space. OP conducted this analysis for both the original proposal and the alternative advertised.

As with the commercial penthouse space analysis, this is only a rough estimate of the impact of the housing linkage on any individual site – many factors, such as building size and age; location in the city; use; and size of both the building and the penthouse would significantly impact both the land values and the value of penthouse space, as well as the feasibility and costs associated with constructing new rooftop space. The zone and type of construction would also, for the proposed alternative method, impact the extent of the contribution. As such, OP analysis should not be taken to indicate the potential impact on any site, but rather to provide an approximation of the potential impacts for illustrative purposes only.

Of the residential buildings and projects studied

- The average size of the penthouse, minus non-habitable space, was approximately 9,417 sq.ft. On average, this space would have an estimated value, based on assessed land value adjusted for “premium” rooftop space, of just about \$633,000.
- Under the OP original proposal, similar to the current housing linkage requirement, the amount of affordable housing per building, on average, would be an additional 753 square feet. Depending on zone and construction type, the space would be at either 80% AMI, or half at 50% AMI and half at 80% AMI. The value of the penthouse space would help to offset the cost of the IZ space, as was the intent of the original IZ program.
- Under the alternate proposal, which would require an amount of housing equivalent to the penthouse area, an average of 9,471 sf of affordable housing would be required, all at 50% AMI. In this case, the benefit to the developer would be restricted to the higher value of penthouse space than space in lower floors. As a comparison, an estimate for the assessed land value of 9,471 sf in the penthouse would be \$633,000, while the equivalent amount of space in a lower floor would be about \$563,000, a minimal difference which would not cover the cost of constructing the penthouse space.

OP would not expect the actual affordable units to be located in the penthouse. Even now, it is accepted that the IZ requirement for equitable distribution of affordable units throughout the building does not apply to the most valuable upper levels of the building. Rather, the requirement would be established for the entire building – for a new building, more units would be provided in the building.

For the addition of penthouse habitable space to an existing building, where the conversion of existing units would be difficult and the dedication of penthouse space to affordable units would be not practical, the off-site compliance provisions for IZ would be available for the satisfaction of the IZ requirement for new penthouse space.

As with the commercial penthouse housing linkage discussion, the establishment of requirement beyond the IZ program could result in a less viable or desirable option to developers, so would make the full utilization of the penthouse space provisions less cost effective. It will again be important to balance the various objectives of this initiative to address broader city objectives – to provide new flexibility and opportunities for better utilization of our rooftops with the resulting fiscal, employment, design, and sustainability benefits, and the critical need to provide affordable housing in the city.

OP Recommendation:

OP continues to recommend that the IZ program as existing be applied to new penthouse habitable space in residential buildings.

OP cannot at this time support the alternative to require the deeper contribution, as it would appear to result in a program producing significantly less (if any) penthouse space and therefore potentially lessen both the amount of affordable housing provided through the program and other benefits to the District.

Finally, OP recommends that space currently permitted in the penthouse – mechanical space, over-rides, and amenity space associated with rooftop recreation space – be exempted from this requirement.

14. PARKING - §§ 537.2, 777 2, 639.2, 845 2, 936.2.

Setdown Proposal:

- Retain the current provision for mixed-use (SP, C, W) and Industrial (CM, M) zones that penthouse space not count towards parking requirements Note – the public hearing notice inadvertently omitted the similar provision for the CR zone (§ 639 2)

Alternative Text Advertised:

- Although the Zoning Commission did not offer specific text proposals at the set down meeting, members questioned whether habitable space should count towards parking calculations

Discussion:

Currently, the zoning regulations exempt penthouse space from being included as part of the building gross floor area for the purposes of determining parking requirements in non-residential zones. This exemption does not exist in the residential zones, since parking in these zones is based on the number of units and under the current regulations, residential living space is not permitted within the penthouse The Height Act does not address parking.

Under the proposal, the addition of residential units in all zones (other than industrial zones) or the addition of new office or commercial space would be permitted, which could increase the parking demand within the building, for residents, workers, or customers. Other forms of permitted rooftop space, such as communal recreation space or conference rooms, would typically not generate additional parking demand.

OP Recommendation:

OP recommends that parking spaces be required for additional residential units in a penthouse, and that this requirement be expanded to all zones, at the rate that parking is required in that zone OP is not opposed to including new commercial or office space in parking calculations in zones where these uses would be permitted, but recommends that communal recreation space, conference rooms, or other amenity space be permitted to be excluded from the parking calculation. Mechanical space, including over-rides, in any zone should not count towards parking requirements.

VI. COMPREHENSIVE PLAN

As noted in the OP setdown report, changes to the roof structure regulations are required to effectuate the changes to the federal Height Act, and would not be inconsistent with the Comprehensive Plan. There would be no impact on either the Future Land Use Map, or the Generalized Policy Map The proposal would not be inconsistent with Urban Design or Land Use policies, and would further Housing and Economic Development objectives

Land Use:

The Land Use Goal is Ensure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs, to help foster other District goals, to protect the health, safety, and welfare of District residents and businesses, to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city, and to effectively balance the competing demands for land to support the many activities that take place within District boundaries 302 1

Urban Design:

The character of the central city has largely been shaped by the L'Enfant and McMillan Plans and the 1910 Height of Buildings Act. The Height Act has resulted in a predominance of structures that are as wide as they are tall, and a street environment that has more in common with Paris than it does with New York, Chicago, and other cities in North America. 902 2

Policy UD-1 1 4 Height Act of 1910

Protect the civic and historical character of the city, particularly the “horizontal” urban quality of Central Washington, by limiting building heights in accordance with the Height Act of 1910. . . 903 10

UD-2 1 Place-Making in Central Washington

Design decisions for Central Washington should also address the peculiar architectural dynamics created by the 1910 Height Act. Currently, the desire to maximize buildable floor area while adhering to height limits often results in buildings with very little sculptural form. The most innovative and distinctive buildings tend to be public places—museums, libraries, and other structures where maximizing rentable space is not the primary objective. This is consistent with the city’s architectural heritage in some respects, but there are still opportunities to improve the design of office, residential, and retail buildings in the central city. 909 4

While the height limit clearly affects building form, it also affects street life in unexpected ways. It results in ground floors that are sunken below grade by as much as several feet to maximize the number of stories that can be accommodated in each building. This in turn creates challenges for street-level retailers, and impacts the experience of walking or shopping downtown. Other challenges include the appearance of vents, mechanical equipment, and other essential rooftop elements that exceed the maximum building height. The design of these elements takes on special importance given their high visibility on an otherwise “flat” downtown skyline. 909 5

Housing:

Policy H-1 2 1 Affordable Housing Production as a Civic Priority

Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city. 504 6

Policy H-1 2 7 Density Bonuses for Affordable Housing

Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood. 504 14

Action H-1.2 C· New Revenue Sources

Identify and tap new sources of revenue for the Housing Production Trust Fund (HPTF) to produce affordable housing and keep rental and owned housing affordable. 504 20

Table 25 2 Housing Linkage

The housing linkage objective requires applicants who obtain bonus commercial office space as a result of a discretionary and otherwise appropriate street or alley closing or zoning density increase to produce housing or contribute funds to the production of housing, particularly housing that is affordable to low and moderate-income households throughout the District, in an amount based on a formula tied to the amount or value of the additional commercial office square footage obtained. 2520 1

In 1994, the District of Columbia adopted zoning provisions that linked the granting of bonus density in commercial development projects to requirements for affordable housing. The "linkage" recognized that the demand for housing in the city was driven in part by new commercial development and rising land values. The linkage provisions are currently triggered by

- The approval of a "discretionary and otherwise appropriate street or alley closing which results in the provision of additional commercial office space" by the Council, or*
- The approval of a "discretionary and otherwise appropriate zoning density increase which results in the provision of additional office space" by the Zoning Commission (p 5-14)*

Economic Development:

Policy ED-2 1 1 Office Growth

Plan for an office sector that will continue to accommodate growth in government, government contractors, legal services, international business, trade associations, and other service-sector office industries. The primary location for this growth should be in Central Washington and in the emerging office centers along South Capitol Street and the Anacostia Waterfront. 707 6

Policy ED-2 1 5 Infill and Renovation

Support the continued growth of the office sector through infill and renovation within established commercial districts to more efficiently use available space while providing additional opportunities for new space. 707 10

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