



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
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Washington, DC 20016

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ANC 3D Resolution Advising the Zoning Commission of its Opposition
Case No. 14-13, Proposed Rooftop Penthouse Regulation Amendments

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WHEREAS, the Zoning Commission will hold a public hearing on Case No. 14-13, the Office of Planning's proposed text amendments to Chapters 1, 4, 5, 6, 7, 8, 9, 12, 15, 19, 26, 27, 29, and 33: Definitions, Use Permissions, and Size Restrictions for Rooftop Penthouses;

WHEREAS, The Act to Regulate the Height of Buildings in the District of Columbia of 1910 (the Height Act) was recently amended to permit the occupancy of rooftop penthouses of one story and 20 feet of height or less;

WHEREAS, the changes to the Height Act cannot be given effect until corresponding changes to the Zoning Regulations are adopted;

WHEREAS, currently height in R-1 – R-5-A and C-1 zones is limited to 40 feet and three stories;

WHEREAS, the changes to the Height Act cannot be given effect until corresponding changes to the Comprehensive Plan are also adopted to avoid placing the zoning regulations in conflict with the Plan;

WHEREAS, the Land Use Element of the Comprehensive Plan Policy LU-2.1.5: Conservation of Single Family Neighborhoods, directs: Protect and conserve the District's stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family

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neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale; (309 10)

WHEREAS, ANC 3D is located within the geographic area of the city included in the Comprehensive Plan's Rock Creek West Area Element, which echoes the direction provided in the Land Use Element of the Plan, "Protect the low density, stable residential neighborhoods west of Rock Creek Park and recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Future development in both residential and commercial area must be carefully managed to address infrastructure constraints and protect and enhance the existing scale, function, and character of these neighborhoods;" (2308 2)

WHEREAS, the Implementation Element of the Comprehensive Plan specifically recognizes Protection of Neighborhood Architecture and Aesthetics in RCW-1.1.B and cites the following as a priority and an action to be addressed by the Zoning Commission: "Consider new tools such as Conservation Districts and changes to the Zoning Regulations to reduce the incidence of "teardowns" in Rock Creek West neighborhoods. While this is a citywide issue it is a particular concern in this part of the city;"

WHEREAS, most single family structures with three stories and a limit of forty (40) feet in height; and most low density apartments or commercial buildings limited to forty (40) ft. in height, do not have the need for a mechanical penthouse;

WHEREAS, the proposal to allow rooftop penthouses of up to ten (10) feet and one additional story above what is currently permitted in the zoning regulations for low density residential zones, would encourage tear downs, new construction and lead to a loss of neighborhood character in the Rock Creek West area of the city;

WHEREAS, the proposal to add rooftop penthouses in low density commercial and apartment zones (C-1) limited to forty (40) feet in height, where mechanical penthouses are unnecessary, would allow currently unpermitted penthouse uses as well as the addition of one (1) story and ten (10) additional feet of height above what is currently allowed in the zoning regulations; and would aesthetically intrude upon the scale, function and character of surrounding low density residential neighborhoods;

WHEREAS, the proposal to add rooftop penthouses in C-2-A commercial zones limited to fifty (50) feet in height, would allow currently unpermitted penthouse uses as well as the addition of one (1) story and twenty (20) feet of additional

height above what is currently allowed in the zoning regulations; and would significantly and aesthetically intrude upon the scale, function and character of surrounding low density residential neighborhoods.

THEREFORE, ANC 3D hereby resolves to advise the Zoning Commission to reject the proposed rooftop penthouse regulation amendments for areas where the existing height of buildings is limited to fifty (50) feet or less

APPROVED by a vote of 8-0-0 by ANC 3D at a duly noticed special public meeting on April 9, 2015, at which a quorum was present at all times. This resolution was adopted based on the Summary of Proposed Amendments and Alternatives for Rooftop Penthouses contained in the Zoning Commission Notice of Public Hearing for April 30, 2015.



Thomas M. Smith, Chairman



Alma H. Gates, Secretary