CARR HOSPITALITY

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DC OFFICE OF ZONING

2014 OCT 29 AM 9: 4

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington DC 20001

Re: Zoning Commission Case No. 14-13
Text Amendments regarding Rooftop Penthouses

Dear Members of the Commission,

I am writing on behalf of Carr Hospitality, LLC in regards to Zoning Case No. 14-13. We greatly appreciate the opportunity to respond to the alternative proposals that have been made by the Zoning Commission, specifically Alternatives 9 and 10 which add unnecessary burdens on the implementation and the utilization of the recent federal Height Act amendment. Affordable housing should continue to be tied to the current inclusionary zoning and housing linkage laws and will expand with the increased density that has been unlocked by Congress with the passage of the Height Act amendment earlier this year.

The recent amendment to the Height Act, known formally as the Act to regulate the height of buildings in the District of Columbia, is unique in that it allows for the residents of the District to gain substantial reward from a minor change to arcane federal law. In permitting previously uninhabitable rooftop space to be utilized for human occupancy, the District gains a significant amount of new taxable space while giving the skyline an atheistic update—all without increasing current height limits in DC. The intent of the change to federal law was not to set new affordable housing regulations in DC In fact, Chairman Darrell Issa, the author of the Act, stated on the House floor --"*Let's understand: the height of buildings in this city will not change by 1 foot under this act, but the beauty of the tops of building and usability will.* ***The revenue in the city can increase because the value of these top floors*** *(emphasis added), and, yet, we will cover up mechanical penthouses that, today, are simply elevator shafts, rooftop air conditioners, water towers and the like.*"

The amendment, as recommended by the Mayor in July, would increase the tax revenues available for investment in affordable housing without creating an economic disincentive against the use of the change to the Height Act altogether. It is our hope that the Zoning Commission will protect the District's opportunity to benefit from this change.

As such, we are also responding to the invitation to comment on whether penthouse square footage should be included within the overall building FAR limit. The Commission's proposed changes add an entry fee to take advantage of penthouse occupancy. Any new restrictions would be a deterrence to business owners, residents, and developers seeking to utilize this provision and subsequently reduce the benefit to the District taxpayer of increased taxable revenue.

ZONING COMMISSION
District of Columbia
CASE NO. 14-13
EXHIBIT NO. 7

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With FAR limitations, the Zoning Commission will stunt the tax base and reduce the funding necessary for the District policy makers to provide affordable housing for its residents.

The Commission's proposed alternatives will directly stymie investment in affordable housing projects in DC and should not be included in the final rulemaking. We urge the Zoning Commission to approve the recommendation put forth by both the Mayor and Office of Planning which encourages development of penthouse spaces under current laws and will result in increased affordable housing and increased tax revenue for the District of Columbia.

Sincerely,

Austin Flajser
President

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