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TO: Zoning Commission

SUBJECT: Zoning Case No. 14-13

I am writing once again to express specific concerns about the Office of Planning's major-impact proposals now before the Zoning Commission on how to implement the small legislative change Congress made to the Height of Buildings Act.

The effect of these proposals in much of the city would be to permit more generous increases in height and density for areas where the current zoning is well below the Height Act limits, allowing for large penthouses (in many instances two stories/20 feet in height, with setbacks from some sides) that could be used for any use allowed in the zone, and whose floor area would not count toward the floor area ratio limit for the zone. This would allow for a very large increase, as a matter of right, in the allowable height and density for many zones.

OP has not provided any indication of how much the zoning envelope will be expanded in any of the higher density areas near our low density neighborhoods, nor have they done anything to show that the existing infrastructure (transportation, power, water/sewer, schools, parks, etc.) can support the development that might come with the increase in the allowable zoning envelope.

It is important that the Zoning Commission adopt the following policies:

- Except for mechanical equipment the floor area in the penthouse be included in the FAR limit;
- No changes be made in the zones that are not currently restricted by the Height of Buildings Act;

- A careful analysis of the new incentives for larger penthouses and the changed zoning envelope be conducted before there are changes in the areas currently constrained by the HBA, and that it is determined that there is infrastructure to support it, and that the incentive to have larger penthouses will not change the character of the areas;
- If they are to approve any of the changes outside the areas constrained by the HBA:
 - a. The penthouse floor area which is not being used for mechanical equipment be included in the FAR calculation and subject to the current FAR limits;
 - b. For any zone where the building height is currently limited to 50 feet or less (such as C-2-A), the penthouse height would be limited to 10 feet;
 - c. They adopt alternative text #2, for 411.2, limiting the penthouse uses in a zone where the building height is currently limited to 50 feet or less to mechanical equipment, stairway and elevator overrides.
 - d. Retain the requirement that the walls of an enclosed penthouse be of equal height, so that two story penthouses cannot have a lower floor with a 10 ft. setback from those sides where a setback is required, with the second floor being setback another 10 ft., but instead require a 20 ft. setback for the entire two-story penthouse.

The public, the City Council and NCPC were clearly in opposition to raising the height limit. OP's proposal is too broad and consequential to carry out the intent of the relatively small legislative change made in the HBA.

I urge the Zoning Commission to act with restraint in adopting the provisions before you because there is no basis for them in the Comprehensive Plan and because they fundamentally challenge the will of the community. The changes recommended above will greatly mitigate the consequences of OP's far-reaching proposals.

Thank you for the opportunity to submit this testimony.

Sincerely,

