



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

January 9, 2015

Vacant (1C01)

Hector Huevo (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

Alan Gambrell (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

JonMarc Buffa (1C08)

Mr. Anthony Hood, Chairperson
Zoning Commission
441 4th Street NW, Suite 200-S
Washington, DC 20001

Re: ZC Case No. 14-13

Dear Mr. Hood,

At a duly-noticed public meeting held on January 7, 2015, with a quorum of 6 of 7 Commissioners present, Advisory Neighborhood Commission 1C passed the attached resolution by a vote of 6-0.

Sincerely,

Billy Simpson
Chair, Advisory Neighborhood Commission 1C

Penthouses

Resolved that with respect to the Office of Planning's proposals and recommendations concerning human occupancy in penthouses (in light of the amendment to the Height Act), ANC1C calls on the Zoning Commission to:

- (i) Follow the text of the amended Height Act and allow only a single story of human occupancy within a penthouse, rather than two stories of human occupancy as proposed by the Office of Planning.
- (ii) Retain the 1:1 setback ratio and the 1/3 roof occupancy limitations, particularly on any rowhouses (including rowhouses in the R-5-B zone). Apply a 10' penthouse height limit on any rowhouses (including rowhouses in the R-5-B zone).
- (iii) Require that any occupied space within a penthouse count against the floor area ratio limitations of the existing zone.



Advisory Neighborhood Commission 1C

P.O. Box 21009, Kalorama Station NW, Washington, DC 20009 - <http://anc1c.org>

April 30, 2015

Mr. Anthony Hood, Chairperson
Zoning Commission
441 4th Street NW Suite 200-S
Washington, DC 20001

Re: ZC Case No 14-13

Dear Mr. Hood,

Attached please find ANC1C's statement regarding Case 14-13, ZC 14-13, Text Amendment to the Zoning Regulations: Rooftop Penthouses, Second Public Hearing Report.

Sincerely,

Billy Simpson
Chair, Advisory Neighborhood Commission 1C

ANC1C Comments on ZC 14-13 - April 30, 2015

Adams Morgan neighborhoods are mostly zoned R-5-B and so have much at stake regarding proposed changes in 14-13 regarding penthouses. Our community is also interested in proposals for R-4 as Lanier Heights is currently pursuing re-designation to that zoning category.

ANC1C has passed a number of resolutions in recent years (see list, below) that speak to the intent of specific alternatives being proposed. Our position on these proposals is outlined below.

Comprehensive Plan

- Proposed penthouse rule changes for R-5-B are largely out of character with the Comprehensive Plan in terms of setbacks on common walls and maintenance of the inventory and integrity of residential row house neighborhoods.

Penthouse Height (400.7 (c) and (d)) – R-4 and R-5-B

- ANC1C supports Alternative 2. The change in the height of a penthouse to 10 feet is most welcome and in sync with the comprehensive plan's discouragement of roof structures on row houses. Ten feet is sufficient for staircase access, which is all that would be necessary for a rowhouse.
- ANC1C supports Alternative 2's prohibition on penthouses on single-family homes with a requirement to secure a special exception to allow a penthouse, limited in height to 10' maximum.

Uses Permitted Within a Penthouse (411.1 and 411.2) –R-5-B

- Per Alternative 2, habitable space should not be allowable in penthouses in R-5-B. To do so will encourage additional over-development and conversion of single family row houses into multi-unit buildings.
- Allowing habitable enclosed recreation space as part of the penthouse would further encourage additional noise and density in row house residential neighborhoods, contrary to the Comprehensive Plan.

Penthouse Setbacks (400.7) – R-4 and R-5-B

- Per Alternatives 1 and 2, the setback requirements should additionally be applied to all exterior walls, consistent with the Comprehensive Plan provision that party walls of row houses should be regarded as exterior walls for the purposes of applying zoning regulations and height requirements. The lack of a setback from common walls shared by row houses will create multiple problems, including: Structural pressure on common walls; Impinge upon the development rights of abutters who may wish to build penthouse structures but will be limited in doing so if existing penthouse walls occupy common wall space; Potential snow load problems; Interference with the functioning of abutters' chimneys; Potential fire safety problems with penthouse walls

Penthouse Area – Exemption from FAR for Penthouse Enclosed Space (411.7) – R-5-B

- Alternatives 1 and 2 are unacceptable as they represent another example of zoning regulations that disregard the purpose of FAR, which is to limit the maximum square footage of a building.
- Allowing a disregard of any habitable space from FAR exacerbates the already problematic rules that disregard lower level square footage from FAR.

ANC1C Resolutions Related to 14-13 Penthouse Rule

Roof Structures: Subtitles F (Apartment Zones) and G – (Mixed Use Zones)

ANC1C Concerning Ongoing Review of the DC Zoning Regulations
Passed April 2, 2014

ANC 1C urges the Zoning Commission to:

- Limit the height of roof structures in the A and M zones to 10 feet, and
- Apply the side-wall setback formula provided in C §505.2(e) in place of the corresponding setback formula in the roof structure provisions for the A and M zones.

Penthouses

ANC1C Concerning Ongoing Review of the DC Zoning Regulations
Passed January 7, 2015

Resolved that with respect to the Office of Planning's proposals and recommendations concerning human occupancy in penthouses (in light of the amendment to the Height Act), ANC1C calls on the Zoning Commission to:

- (i) Follow the text of the amended Height Act and allow only a single story of human occupancy within a penthouse, rather than two stories of human occupancy as proposed by the Office of Planning.
- (ii) Retain the 1:1 setback ratio and the 1/3 roof occupancy limitations, particularly on any rowhouses (including rowhouses in the R-5-B zone). Apply a 10' penthouse height limit on any rowhouses (including rowhouses in the R-5-B zone).
- (iii) Require that any occupied space within a penthouse count against the floor area ratio limitations of the existing zone.