

Proposed Testimony of Elinor Bacon
Zoning Commission Case No. 14-13
Rooftop Penthouses

My name is Elinor Bacon and I am President of ER Bacon Development. I have worked in the field of urban revitalization, community development and housing – market rate, affordable and mixed income -- for 40 years, in the public and private sectors, and I am pleased for the opportunity to testify on the proposed amendments to the penthouse regulations that will implement the amendments to the 1910 Height Act.

I strongly urge the Commission to adopt the proposed regulations. They will spur increased utilization of roof tops in a manner that, for a city of limited land resources, will make our buildings more efficient. Previously un-usable space will be captured for productive purposes and will enhance the aesthetics and livability of the city. There also will be significant public benefit since a portion of the economic value of the newly usable space will be captured to provide much needed affordable housing resources.

Allowing and encouraging habitable space on the roof will incentivize developers and property owners to clean up those areas so that they are useful and attractive to occupants and guests of the buildings, be they residential or commercial.

I believe that the regulations should provide maximum flexibility of design and configuration of the structures, including variation in the heights of roof structures (provided they do not exceed 20' in height), sloped walls, and variation in the number of penthouses without a requirement to artificially "connect" them.

In addition to giving new life, usability and value to our city's rooftops, I agree that an appropriate portion of the economic worth created should contribute to the production of affordable housing. It is critical, however, to achieve the correct balance between private and public benefit, a balance that truly incentivizes developers to make productive use of penthouses,

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and at the same time does not impose unreasonably onerous requirements that will result in little or no change to the status quo. In the case of residential buildings, I believe that the requirements should be simple, paralleling those of IZ with the same mix of 50% and 80% AMI, and should also allow payments to the Housing Trust Fund in lieu of providing affordable housing units. In the case of nonresidential buildings, I believe that the proposal to allow, as an alternative to producing affordable housing, that 50% of the assessed value of the new space be contributed to the Housing Trust Fund is a reasonable standard.

I am excited by the prospect of an enhanced roof experience and the revitalizing effect it will have on the District that will result from the well thought-out implementation of the proposed amendments – aesthetically, economically and socially.

Thank you. I will be happy to answer any questions.