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April 29, 2015

Zoning Commission for the District of Columbia
441 4th Street NW Suite 220-S
Washington, D C 20001

Case No. 14-13 Definitions, Use Permissions and Size Restrictions for Rooftop Penthouses

Dear Commission Members

I am writing to you to offer for your consideration my suggestions for text amendments for the above referenced Case No. 14-13 the Definitions, Use Permissions and Size Restrictions for Rooftop Penthouses. I am a third generation long term District resident, business owner, and a partner in several major economic redevelopment projects throughout the District. I applaud the careful and holistic process that the Zoning Commission and Office of Planning have undergone when considering how best to implement the recently adopted revisions to the 1910 Height Act and offer the following thoughts for consideration of the Commission.

1 Section 411.6, to allow penthouse walls of varying heights, which would come under Alternative 2 of the Office of Planning draft. The ability to have sloping roof structures, so long as they are set back 1-to-1 from the exterior wall, should support innovative design and there is no reason to limit them to a 20% deviation from vertical.

2 Section 411.8, Alternative 1, which is consistent with present practice that the floor area of penthouses is not counted in the overall FAR of a building.

3 Section 411.18, Alternative 1, which allows for two stories of penthouse use, allows full utilization of the penthouses but continues the protections afforded by the 1910 Height Act as amended.

4 Section 411.20, the PUD process should be structured as to make utilization of the roof structures and penthouses for alternative uses as expeditious as possible.

ZONING COMMISSION
District of Columbia

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5 Sections 537 2, 639 2, 777 2, 936 2, 1811 2 - Alternative 1, because penthouse floor area should not be included in parking calculations in order to avoid negative impacts on existing buildings that may wish to beautify and occupy their penthouse space but have practical restrictions on expanding parking capacity

6 Chapter 26 –Alternative Text #1 with respect to the Inclusionary Zoning provisions, except that I had understood that the ability to contribute 50% of the assessed value to the Housing Production Trust Fund would also be available in residential projects. This is due to the limited amount of floor area that may be available for residential use in the penthouse and at 8% of that number there may, in many instances, be less than one unit or one unit plus a fraction of a unit

It is my belief that these 6 sections, amended as suggested, will more strongly encourage utilization of these rooftop spaces, ensure the highest design standard and maximize the benefits of this new opportunity as envisioned in the Office of Planning Height Act petition

Thank you for your time and consideration

Regards,

A handwritten signature in black ink, appearing to read 'Ben Soto', with a stylized, cursive script.

Benjamin M. Soto, Esq.
President
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