

May 8, 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 in support of the proposed amendments to the rooftop penthouse regulations currently under consideration by the Zoning Commission in Case No. 14-13. The proposed amendments are a response to recent changes made by Congress to the 1910 Height of Buildings Act (the "Act") to permit greater flexibility in the use of a rooftop penthouse. The Act, through the rooftop penthouse provisions of the District of Columbia Zoning Regulations, has a long history of positively shaping the Washington, DC. Enforcement of these provisions have resulted in a uniform architectural character at the building top, limited intrusion of the roof scape by unsightly mechanical equipment, and ensured human safety by limiting outdoor access to what is essentially a utility zone.

However, recognizing that the Act was initially passed over 100 years ago, Congress acknowledged the need to amend the Act to respond to the tremendous changes that have occurred in the commercial real estate sector in Washington, DC, most notably over the past two decades, and the value that rooftop penthouse space has in helping to respond to these changes. These include changes in how technology is used in the workplace, in how cities are being designed with an emphasis on the advantages of mixed use and on sustainability.

The workspace of the 21st century is changing rapidly. By 2020, more than 50% of the workforce will be digital natives. This population is highly collaborative and relies heavily on information technology to do its job. Commercial tenants are now demanding that over 50% of an office layout be dedicated to collaboration, social and learning space such as meeting spaces and lounges. In the absence of any new open space at street level, new American office buildings are increasingly using the roof for social and learning opportunities, creating rooftop parks and gardens. Allowing this activity within the penthouse envelope keeps downtown DC development relevant and contemporary, helps companies attract top talent to the city (which in turn drives additional economic activity), and most importantly, helps owners maintain competitive market rates.

The purpose of new urbanism is to reintroduce historic patterns of density and mixed use flexibility. The use of a penthouse area as an occupied space completely aligns to these concepts. Higher FAR utilization of every block, within the established height limits, means more people per acre. This is the only way to increase diversity of experience and economic growth within our city limits.

Finally, green buildings today increasingly rely on the architecture of the building and digital technology to optimize environmental conditions inside the property. Using brute force compressors and boilers has

given way to on-site renewables and carbon counting dashboards. The highest and best use for the roof is no longer large mechanical systems – in fact, this is no longer needed as systems have right-sized in response to increased efficiency. Today, the roof area should be dedicated to creating renewable energy, supporting human socialization and connecting occupants to the outdoors.

It is time to amend the District of Columbia Zoning Regulations to take advantage of the additional opportunity afforded by Congress through the recent changes to the Act, and, as described above, to help address the considerable changes and development demands that the District is currently experiencing. For these reasons we at Paladino and Company heartily endorse the proposed amendments to the rooftop penthouse provisions of the District of Columbia Zoning Regulations.

Please see the attached document for more details on the alternatives we support.

Sincerely,

A handwritten signature in black ink that reads "Tom Paladino". The signature is fluid and cursive, with the first name "Tom" and last name "Paladino" clearly legible.

Tom Paladino
CEO and Founder, Paladino and Company

May 8, 2015

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

Paladino and Company specifically supports the following alternatives to the proposed rooftop penthouse amendments:

AMEND CHAPTER 4: RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS

- 411.6: Support Alternative #2, which allows for penthouse enclosing walls of different heights and which can slope up to 20%
- 411.18: Support Alternative #1, which allows for two stories when not in conflict with Height Act within 20' penthouse and does not restrict use to mechanical equipment.
- 411.20: Support Alternative #1 which allows the addition of penthouse space to a PUD as a minor modification. No other alternative offered so not sure what the process would be if this wasn't adopted.

AMEND CHAPTER 7, COMMERCIAL DISTRICTS, ROOF STRUCTURES

- 777.2; Support Alternative #1, which keeps all Penthouse GFA out of the parking calculations