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Re: ZC report 14-13
Proposed Regulations on Rooftop Penthouses

Dear Chairman Hood and Commissioners:

I am submitting the letter in reference to proposed text amendments to zoning regulations related to use permissions and size restrictions for rooftop penthouses. However, changes for R-5-B have the potential to promote additional “pop-up” development in these neighborhoods. Changes also have the potential to encourage rooftop commercial operations in C2A and C2B zones, which may be proximate to residential zones, creating new noise concerns.

There is not much to like about the proposed text amendments, really.

I have a built-out rooftop which overlooks my backyard – I am at 4213 16th Street NW, and the penthouse is on the 1500 block of Varnum. I would say that I enjoy the parties and the smells, but I don’t: they party when I am usually trying to help my daughter with her homework or trying to get her in bed to sleep.

The elevation of the built-out rooftop really amplifies the noise into not only adjacent houses, but also to my house, which is not adjacent, but sits across the alleyway.

I once owned a house in the U Street neighborhood which had an illegally built-out rooftop. (I bought it that way ...). I can tell you that my neighbors could see us and hear the noise, and we could see into a lot of windows and backyards.

Having had it both ways now, I find that the intrusion is more distasteful than having the outside space. Not to mention if this is to be an inhabitable, additional space, then a rooftop penthouse is a pop-up, and don’t get me started on pop-ups. All of this said, here is what I have to say on these proposed regulations:

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

- Per Alternative 2, there should be a *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.

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

- Per Alternatives 1 and 2, the *setback requirements should be applied to all exterior walls*. Removing the 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
 - Create potential snow load problems
 - Interfere with the functioning of abutters' chimneys
 - Create 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 when characterized as cellar space.

This is a watershed time to be a Zoning Commissioner, and I'd like each of you to know that the decisions you make are having, and will continue to have, a direct impact on the quality of life for many, many DC residents and homeowners. I know that most of you (if not all of you) do not live in R-4 or R-5 neighborhoods. Don't listen to developers, real estate investors and agents who talk about increasing property value. Most of them are not living in R-4 or R-5 neighborhoods either – they are all in the tony suburbs of Virginia and Maryland.

Please consider that these decisions you make – on ZC 14-13 and every Zoning Case – are borne out in our R-4 and R-5 neighborhoods. Listen to us – we are speaking with one voice on many of these cases.

Sincerely,



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