

**Before the Zoning Commission of the District of Columbia
Case 14-13E --- Amendment to Penthouse Regulations**

**Statement of the Committee of 100 on the Federal City
January 20, 2021**

Chairman Hood and members of the Commission:

The Committee of 100 on the Federal City objects aspects of this rulemaking that would weaken penthouse provisions in low-density neighborhoods. The 2015 regulations affording limited protection to visual intrusions of the proposals to Our comments concern only one element of this multifaceted set of proposals: the Office of Planning’s proposed changes to rules dealing with what it calls “low-density residential forms of development”. The effect of these changes would be to eliminate the existing special protections adopted in 2015 against visually intrusive rooftop penthouses on should be retained in single family houses, flats and accessory buildings. The Commission recognized in promulgating the 2015 penthouse rules that roof structures can be visually intrusive and accordingly imposed some restrictions, albeit relatively minimal ones. For example, requests to bar penthouses altogether in zones with 35- to 40-foot height maximums were unsuccessful. The Commission allowed by special exception a relatively benign penthouse in R, RF and RA zones -- small 10-foot structures that allowed rooftop deck access with 1:1 setbacks on all sides. The limited protections adopted in 2015 are proposed to be watered down or eliminated.

The Committee of 100 asks the Commission to reject *any* matter-of-right penthouse in the above-named zones. We support lowering the height to nine feet (or eight as suggested another comment) and to retain of impose setback provisions on *all* sides of a penthouse. Relief from setback rules should not be available through special exception. The special exception process should be used to determine whether, notwithstanding a proposed penthouse’s compliance with applicable regulations, it nevertheless is visually intrusive, for reasons peculiar a particular building and its neighbors. We ask the Commission to bear in mind that special exceptions are granted so routinely, the relief they provide becomes in effect the new matter or right floor.

The Committee of 100 is baffled as to why the Commission refuses to protect the building fabric of Washington, DC that gives the city its distinct character and then is surprised when entirely predictable architectural depredations occur. When the Office of Planning and other public bodies show representative photographs of the District’s neighborhoods, it never shows rowhouses with penthouses, add-ons and altered

rooftop structures. It shows them at their uniform best. Please preserve this unique element of our civic heritage,

/s Laura Richards, Co-Chair Zoning Subcommittee