

# **ZONING COMMISSION CASE 14-13 MAPS SHOWING WHERE HABITABLE SPACE WITHIN A ROOFTOP PENTHOUSE WOULD BE PERMITTED**

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***March, 2015***

***MAPS SHOWING THE CURRENT PROPOSAL OF WHERE HABITABLE  
SPACE WITHIN A PENTHOUSE WOULD BE PERMITTED:***

- ***ALTERNATIVE 1 – NOT PERMITTED IN ANY ZONE ALLOWING A  
BUILDING HEIGHT OF 40 FEET OR LESS***
- ***ALTERNATIVE 2 – NOT PERMITTED IN ANY ZONE ALLOWING A  
BUILDING HEIGHT OF 50 FEET OR LESS***

***THE ZONING COMMISSION PUBLIC HEARING REGARDING ZC  
CASE 14-13 WILL BE HELD APRIL 30, 2015.***

# What is a penthouse, and what is the current proposal?

- A rooftop penthouse, in DC, is a small rooftop structure containing uses like rooftop mechanical equipment, elevator or stairwell overruns, and sometimes a room supporting a rooftop deck – storage, washrooms, etc.
- Habitable space in a penthouse would include residential living space, office space, common recreation space (which could be associated with a rooftop terrace), or even commercial space such as a lounge or a restaurant on the roof. In the current regulations, the only form of habitable space permitted within a rooftop penthouse is a small amount of auxiliary space associated with a rooftop terrace in residential zones.
- Non-habitable space, on the other hand, is enclosed penthouse area that is used for things like mechanical equipment, or stair or elevator overruns.
- The federal Act to Regulate the Height of Buildings in the District of Columbia of 1910 (the Height Act) was recently amended to permit habitable space (such as living space or office space) within rooftop penthouses, if the penthouse is one story and 20 feet in height or less.
- The Zoning Regulations for penthouses are generally more restrictive than what the Height Act would permit. Not every building has a penthouse, although under current zoning regulations, a penthouse with a height of 18.5 feet is permitted almost everywhere in the District, and number of stories is not regulated. The current regulations require that a penthouse be set back from the edge of the building below, to minimize its visual impact. Current regulations also do not permit habitable space within a penthouse

Under the current proposal, additional forms of habitable space would be permitted in the penthouse, provided that the use is permitted within the zone. For example, new commercial space would not be permitted in the penthouse of a building in a residential zone.

## The current proposal for habitable space within a penthouse:

- Alternative 1 – Permit habitable space within a penthouse in zones allowing a building height of more than **40 feet**, by right.
- Alternative 2 – Permit habitable space within a penthouse in zones allowing a building height of more than **50 feet**, by right.

The Zoning Commission also invited the public to comment on whether some specified uses, such as a nightclub, bar, lounge, restaurant, or others, should be permitted only by special exception within a penthouse, in some or all zones.



# Habitable uses – proposed permissions by zone

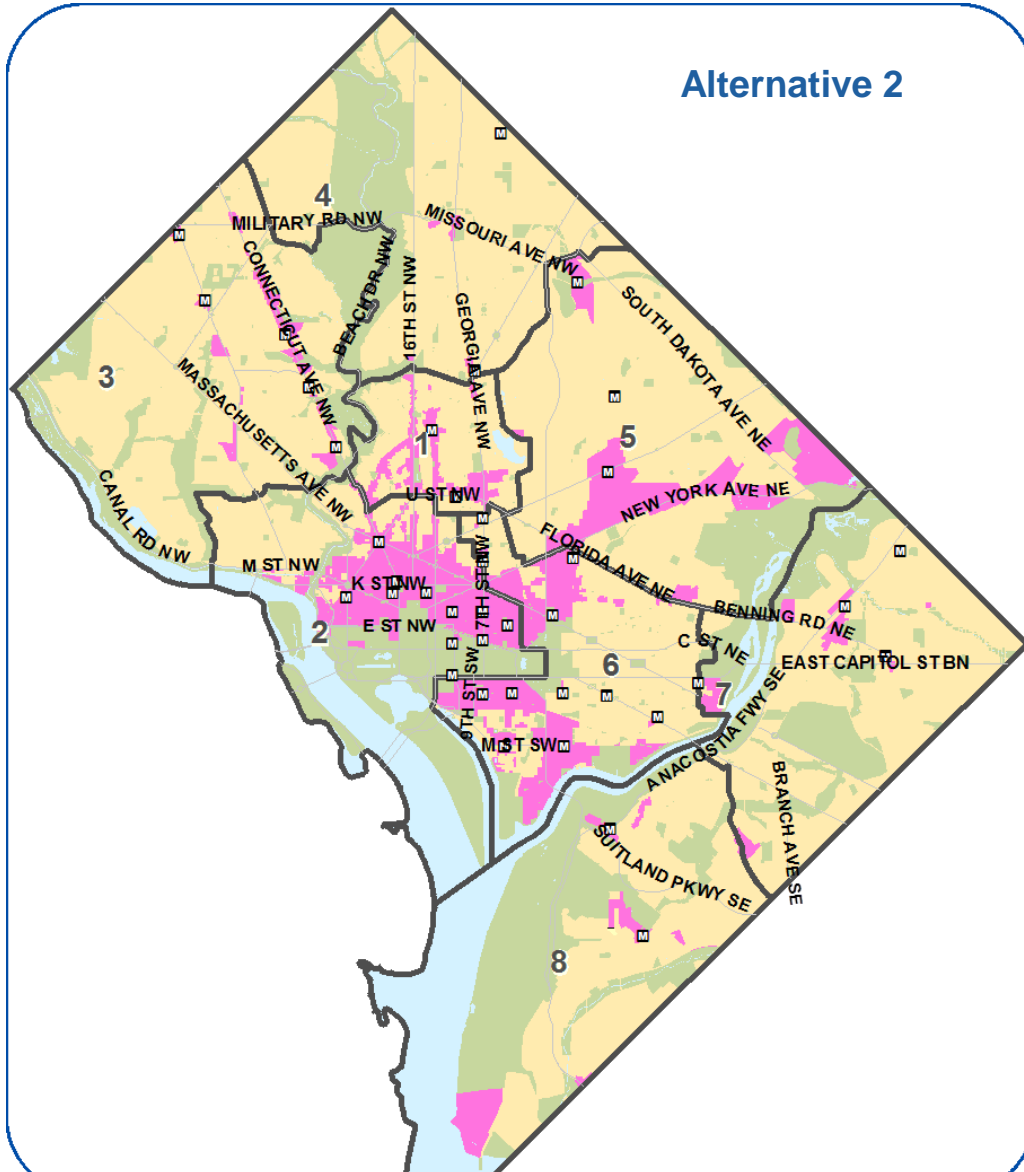
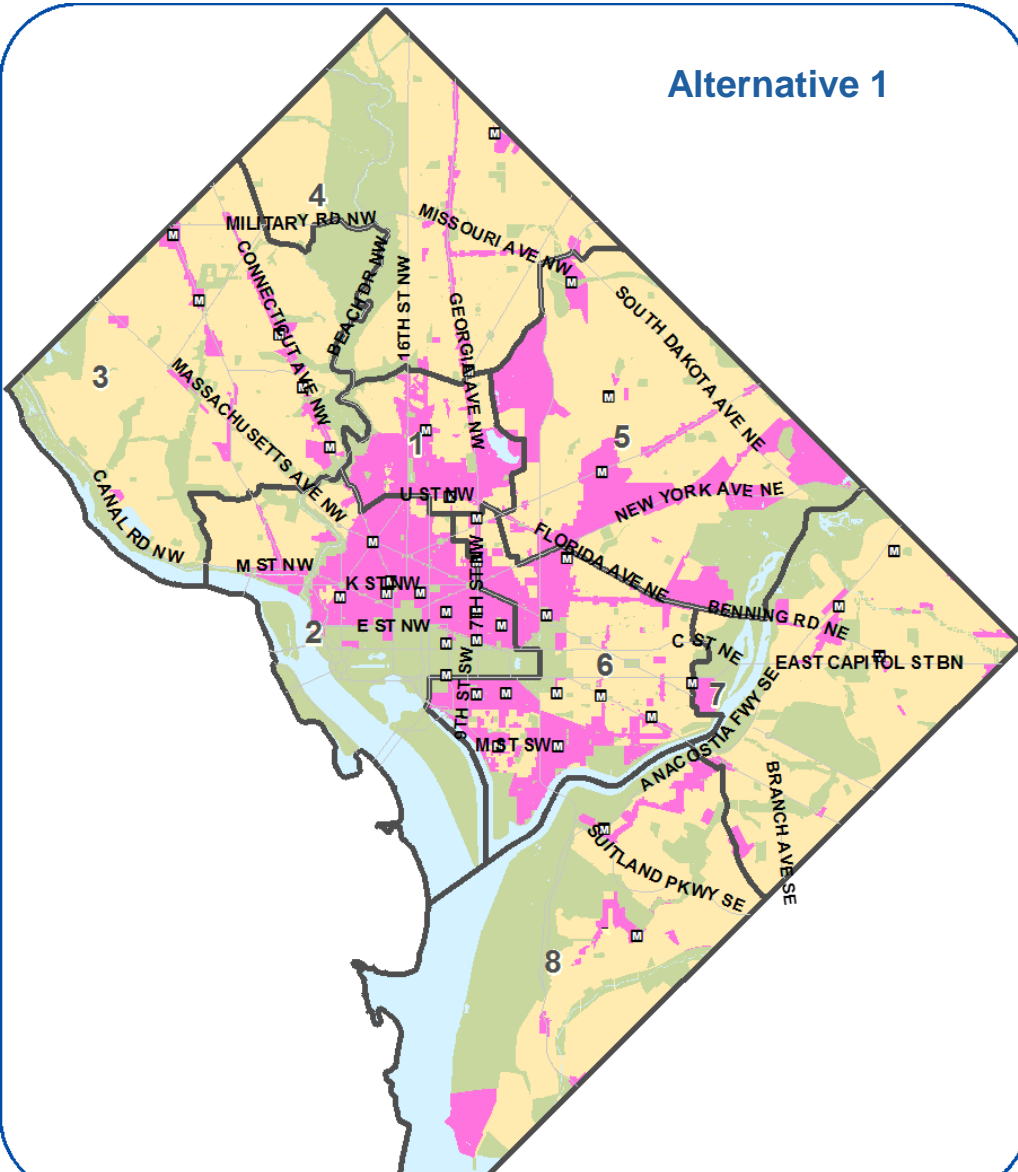
Penthouse Habitable Space (living, office, retail, recreation space)					
Zones:		Height Act		Alternative 1	Alternative 2
	Existing Zoning	Above Height Act	Below Height Act	Above or Below Height Act	Above or Below Height Act
<b>SFD / FLAT In Any Zone</b>	<b>Limited</b>	<b>Yes</b>	<b>n/a</b>	<b>no</b>	<b>no</b>
<b>Zones allowing 40' or less of building height</b> <ul style="list-style-type: none"> <li>• R-1-A, R-1-B, R-2, R-3, R-4, R-5-A</li> <li>• C-1, W-0</li> <li>• CM-1</li> <li>• CAP/R-4, CAP/R-5-A, CAP/C-2-A, CAP/SP-2, CHC/C-2-A, CHC/CAP/C-2-A</li> <li>• CP/C-2-A</li> <li>• WP/C-2-A</li> <li>• RC/R-5-B, RC-C-2-A</li> <li>• NO/all zones</li> <li>• StE-1, 4, 8, 10, 11, 14, 19</li> </ul>	<b>Limited</b>	<b>yes</b>	<b>n/a</b>	<b>no</b>	<b>no</b>
<b>Zones allowing 45' or 50' of building height</b> <ul style="list-style-type: none"> <li>• R-5-B, C-2-A, W-1</li> <li>• WP/C-2-B</li> <li>• ES/C-3-A</li> <li>• RC/C-2-B</li> <li>• StE-7a</li> <li>• HE-1</li> </ul>	<b>Limited</b>	<b>yes</b>	<b>n/a</b>	<b>yes</b>	<b>no</b>
<b>Zones allowing more than 50 feet in height</b> <ul style="list-style-type: none"> <li>• R-5-C, R-5-D, R-5-E</li> <li>• C-2-B, C-3-A, C-3-B, C-2-C, C-3-C, C-4, C-5, CR, SP-1, SP-2, W-2, W-3</li> <li>• CM-2, CM-3, M</li> <li>• HE-2, HE-3, HE-4</li> <li>• All other StE zones</li> </ul>	<b>Limited</b>	<b>yes</b>	<b>n/a</b>	<b>yes</b>	<b>yes</b>

*Note: overlay zones would be as per the underlying base zone, except as noted in the chart*

# Penthouse habitable space alternative proposals:

Alternative 1

Alternative 2



**Legend**

- Habitable Space Not Permitted - Alternative 1 (zones with permitted building height of 40 feet or less)
- Habitable Space Permitted
- National Parks / Unzoned

**Legend**

- Habitable Space Not Permitted - Alternative 2 (zones with permitted building height of 50 feet or less)
- Habitable Space Permitted
- National Parks / Unzoned