

ZC 14-13, Rooftop Penthouses:

Summary of Zoning Commission Proposed Action, June 8, 2015

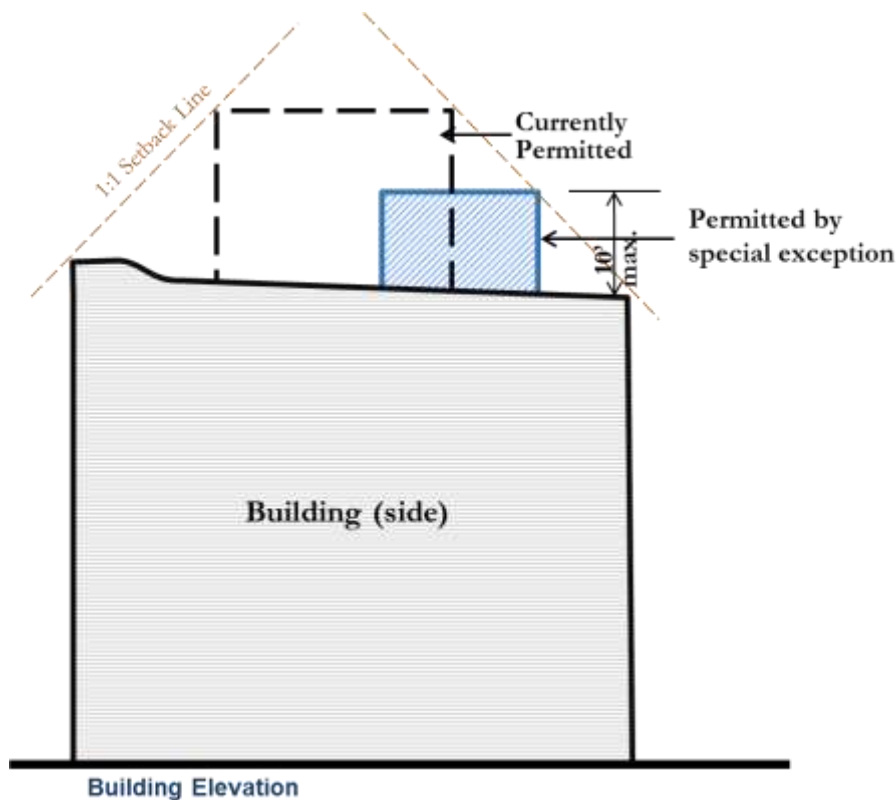
I. Detached Dwellings, Rowhouses and Flats – All Zones

<p>Zones allowing detached dwellings, rowhouses and flats:</p> <p>All zones other than Industrial – CM and M zones</p>

Zoning Commission Proposed Action:

Penthouse Height: Do not allow a penthouse by right; allow a penthouse of 10 feet height / 1 story maximum by special exception

Penthouse Use: If a penthouse is permitted by the BZA, allow only access-way to the roof and 30 square feet of space ancillary to a rooftop deck by special exception.



II. Building Height of 40 Feet Max., Residential Zones – Uses Other than SFD or Flat

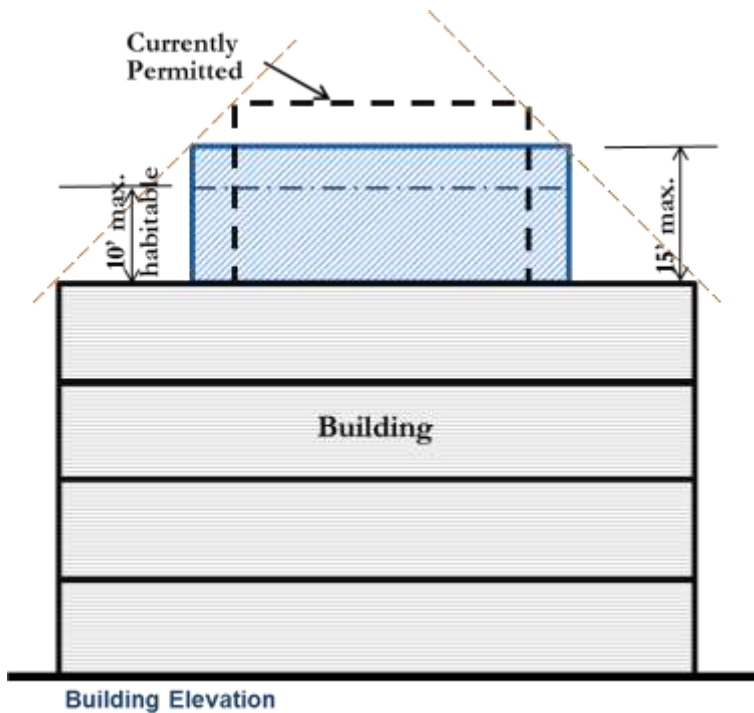
Residential Zones with a Building Height of 40 feet maximum:¹
 R-1-A, R-1-B, R-2, R-3, R-4, R-5-A, R-5-B/RC; R-5-B/CAP

Zoning Commission Proposed Action:

Penthouse Height: Allow a mechanical penthouse with a maximum height of 15 feet / one story height limit, but limit any form of habitable space to 10 feet clear height / one story, measured from the building roof upon which the penthouse sits. In CAP Overlay zones, limit maximum penthouse height to 10 feet and one story, consistent with current regulations.

Penthouse Uses: Allow only ancillary space associated with a rooftop deck, to a maximum area of 20% of the size of the roof deck.

Exception - In the CAP Overlay, limit maximum penthouse height to 10 feet and one story, consistent with current regulations; allow only ancillary space associated with a rooftop deck, to a maximum area of 20% of the size of the roof deck.



¹ Note – The listing of base zones also includes any overlay zone, unless otherwise stated.

Note: Any penthouse above the Height Act limit would be limited by the more restrictive of the zoning regulations or the Height Act provisions for penthouses.

III. Building Height of 40-50 Feet, Other Zones & 50 Feet, Residential Zones– Uses Other than SFD or Flat

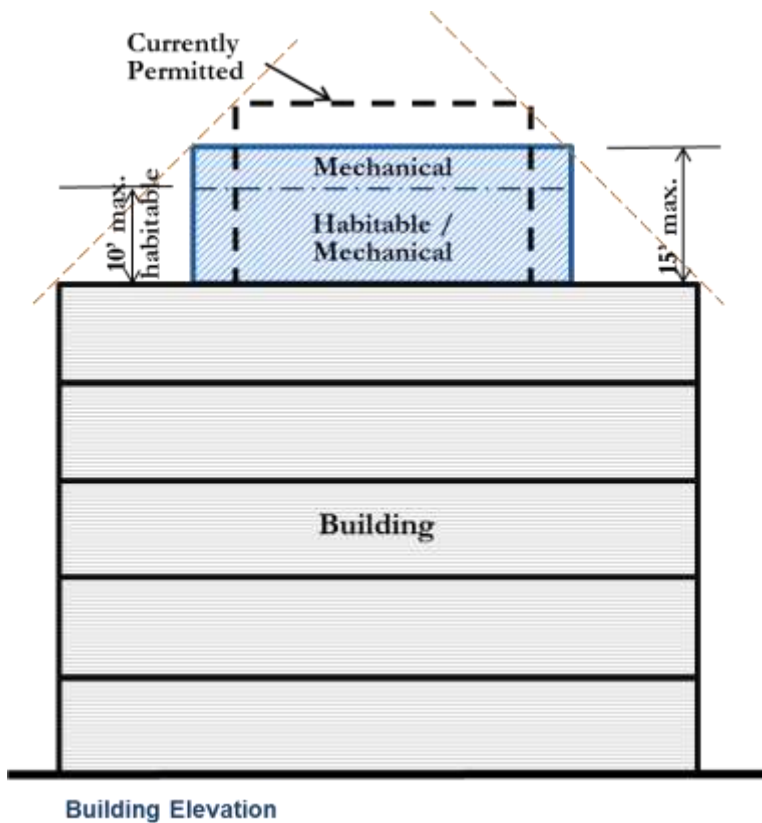
Zones with a Building Height of 40 - 50 feet maximum:
R-5-B (except within specified overlays noted above)
C-1; C-2-A; C-2-A/WP; C-2-B/RC; C-2-B/WP; C-3-A/ES; SP-2/CAP; C-2-A/CAP; W-0, W-1
CM-1
HE-1; StE-1, StE-4, StE-8, StE-11; StE-10; StE-14; portion of StE-7

Zoning Commission Proposed Action:

Penthouse Height: Allow a mechanical penthouse with a maximum height of 15 feet, but limit any form of habitable space to 10 feet clear height / one story, measured from the building roof upon which the penthouse sits; allow a second story for mechanical equipment within the height limit.

Penthouse Uses: Allow habitable space, with specified uses (bar, restaurant, nightclub) permitted only by special exception, when permitted in the zone.

Exception - In the CAP Overlay, limit maximum penthouse height to 10 feet and one story, consistent with current regulations; allow only ancillary space associated with a rooftop deck, to a maximum area of 20% of the size of the roof deck.



Note: Any penthouse above the Height Act limit would be limited by the more restrictive of the zoning regulations or the Height Act provisions for penthouses.

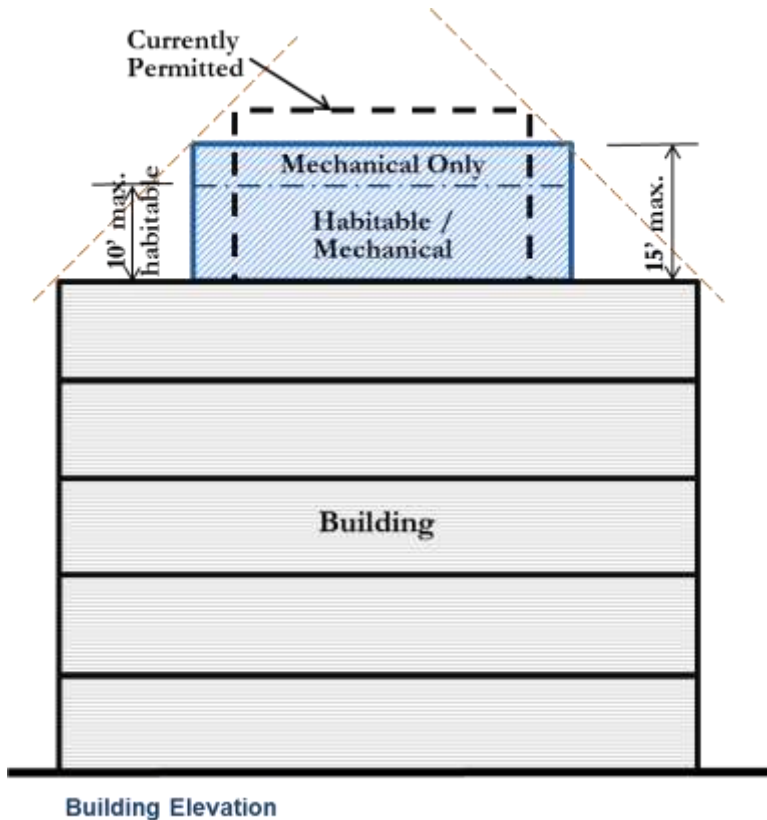
IV. Building Height Limited to 65 Feet or Less – Uses Other than SFD or Flat

Zones with a Building Height of 60 - 65 feet maximum:
R-5-C
C-2-B, C-3-A (except within specific overlays noted above); SP-1; W-2
CM-2
StE-2, StE-5, StE-9

Zoning Commission Proposed Action:

Penthouse Height: Retain the current 18’-6” height limit, but limit any form of habitable space to 10 feet / one story clear height maximum, measured from the building roof upon which the penthouse sits. Allow a second story for mechanical equipment on top of the habitable story, within the penthouse height limit.

Penthouse Uses: Allow habitable space, with specified uses (bar, restaurant, nightclub) permitted only by special exception, when permitted in the zone.



Note: Any penthouse above the Height Act limit would be limited by the more restrictive of the zoning regulations or the Height Act provisions for penthouses.

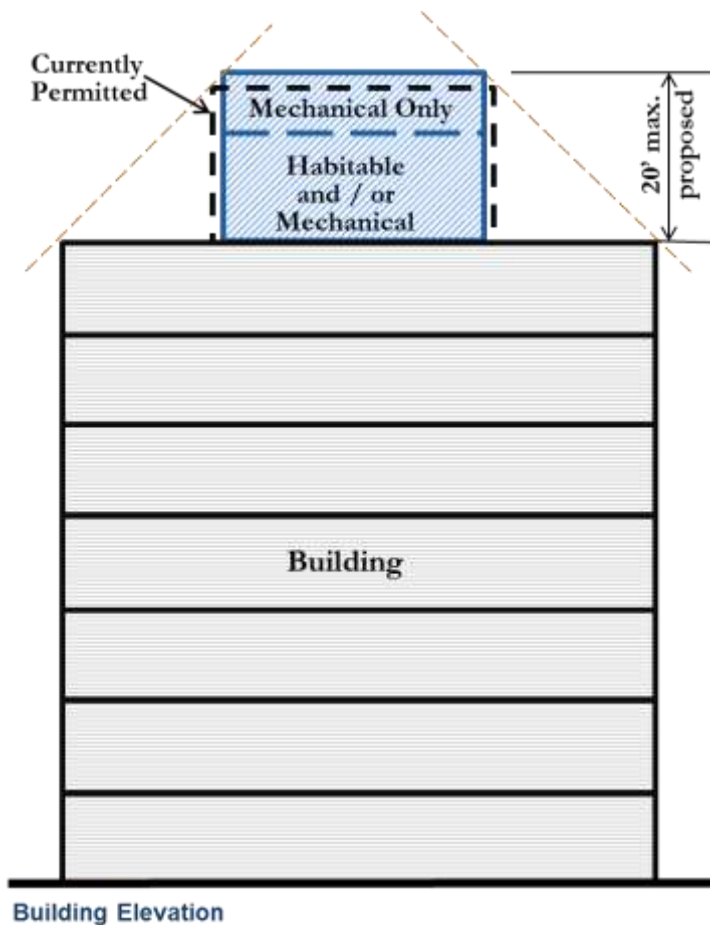
V. Building Height of 70 Feet or More, but Less Than 90 feet - Uses Other than SFD or Flat

Zones with a Building Height of 70 - 80 feet maximum:
C-2-B-1, C-3-B
HE-2; StE-3; StE-12; StE-15; StE-17; portion of StE-7

Zoning Commission Proposed Action:

Penthouse Height: Allow a penthouse of up to 20 feet of height. Limit habitable stories to one; but allow a second story for mechanical equipment within the penthouse height limit.

Penthouse Use: Allow habitable space, but limit specified uses to being permitted only by special exception (bar, restaurant, nightclub) when permitted in the zone.



Note: Any penthouse above the Height Act limit would be limited by the more restrictive of the zoning regulations or the Height Act provisions for penthouses.

VI. Zones with Building Height of More Than 90 feet - Uses Other than SFD or Flat

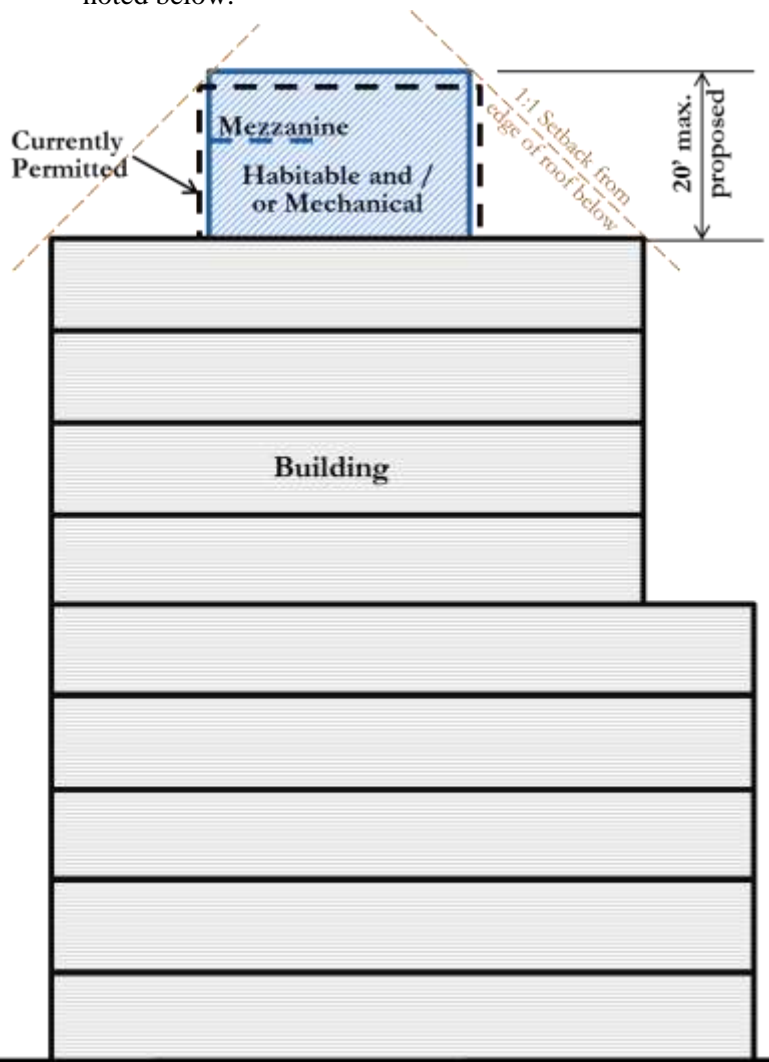
Zones with a Building Height of 90 Feet or More:
R-5-D; R-5-E
C-2-C; C-3-C; C-4; C-5; C-R, SP-2, W-3
CM-3, M
HE-3; HE-4; StE-13; StE-16; StE-18 ;StE-6; USN

Zoning Commission Proposed Action:

Penthouse Height: Allow a penthouse of up to 20 feet of height. Limit permitted habitable stories to one; but allow a mezzanine for habitable space, and/or a second story for mechanical equipment within the penthouse height limit.

Penthouse Use: Allow habitable space, with specified uses (bar, restaurant, nightclub) permitted only by special exception, when permitted in the zone.

Do not allow habitable space within the area described by the Unites States Secret Service. Allow a penthouse with habitable space within the PADC, meeting expanded setback requirements. Allow a penthouse on a property fronting Independence Avenue SW, meeting expanded setback requirements noted below.



Building Elevation

Note: Any penthouse above the Height Act limit would be limited by the more restrictive of the zoning regulations or the Height Act provisions for penthouses.

VII. Penthouse Setbacks

Zoning Commission Proposed Action:

Use text for which the Zoning Commission took proposed action as part of the ZRR, except clarify that the setback is measured from the edge of the roof upon which the penthouse actually sits, as noted below (with wording revised from the ZRR proposed text to conform to current text format where necessary):

Penthouses shall be setback from the edge of the roof upon which the penthouse sits as follows:

(a) A distance equal to its height from the following:

(1) Front building wall;

(2) Rear building wall;

(3) Side building walls in the R-1 through R-4 zones that are adjacent to a property that has a lower or equal permitted matter of right building height;

(4) Side building walls in other than the R-1 through R-4 zones that are adjacent to a property that has a lower permitted matter-of-right building height;

(5) Adjacent property that is improved with a designated landmark or contributing structure to a historic district that is built to a lower height regardless of the permitted matter-of-right building height;

(b) A distance equal to one-half (0.5) of its height from any side building wall that is not adjoining another building wall and not meeting the conditions of (a)(3) through (5);

Except as required above, no setback is required from any side building wall that is adjoining another building wall with an equal or greater matter of right height.

For purposes of applying penthouse setbacks:

(a) Walls of buildings that border any courtyard other than closed courtyards shall be deemed to be exterior walls;

(b) Setbacks shall be applied to adjoining walls when the adjacent property has a lower matter-of-right height; and

(c) Setbacks shall be applied when the adjacent property is improved with a designated landmark or contributing structure to a historic district.

Retain the 2:1 setback requirement within the PADC area; require a 2:1 setback from Independence Avenue SW as per ZRR.

VIII. Penthouse Area

Zoning Commission Proposed Action:

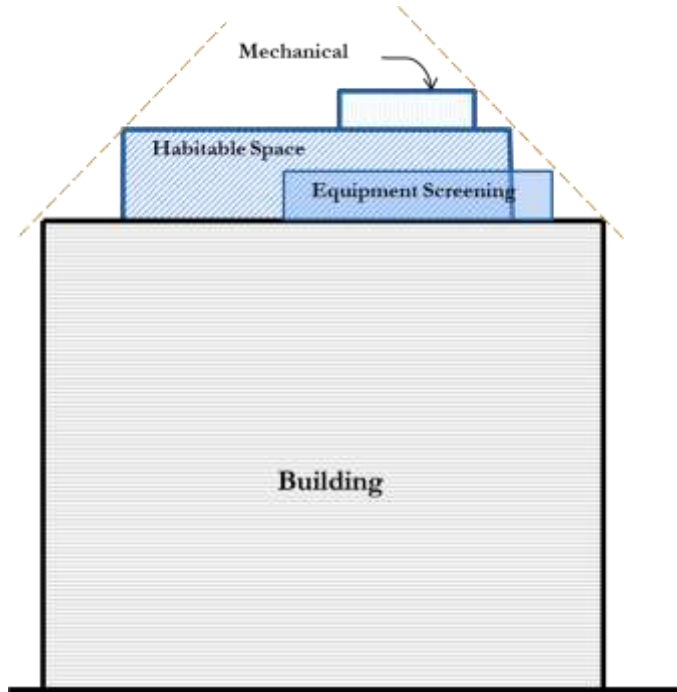
Retain the 1/3 of roof area limitation for the penthouse in all of the zones in which it currently applies other than C-3-B; clarify that it is 1/3 of the total roof on which the roof structure sits; and include the area restriction for properties fronting onto Independence Avenue SW.

Exempt enclosed mechanical space and enclosed communal rooftop recreation space from building F.A.R.; include other forms of habitable space within FAR but provide a 0.4 F.A.R. maximum exemption for habitable space.

IX. Penthouse Design - Walls of Equal Height

Zoning Commission Proposed Action:

Allow up to three heights - one penthouse height for mechanical equipment, one for habitable space, and one for screening for uncovered mechanical equipment.



X. Penthouse Design - Walls Required to be Vertical

Zoning Commission Proposed Action:

Require walls of an enclosed penthouse be vertical; provide clarification that a wall that is up to 20% from vertical would be considered vertical. Flexibility in how to word this clarification was granted.

XI. Penthouse Design - Number of Permitted Penthouse Structures

Zoning Commission Proposed Action:

Require all penthouses and mechanical equipment to be placed in one enclosure; but allow emergency egress stairwells as required by the building code to be in a separate enclosure that solely encloses the stairwell (i.e. no other habitable or mechanical space).

XII. Affordable Housing Linkage:

Zoning Commission Proposed Action - Non-Residential Buildings:

For non-residential buildings in all zones and all parts of the city, if new habitable penthouse space greater than 1,000 sq.ft. is provided, require affordable housing linkage using criteria generally consistent with the current housing linkage formula. Clarify whether rooftop recreation space would count towards an affordable housing requirement.

Zoning Commission Proposed Action - Residential Buildings:

For residential buildings, include new habitable penthouse space in all zones and all parts of the city within the IZ calculations, with all affordable units provided at 50% of AMI; provide for a contribution to a housing production trust fund in lieu of providing the units on-site for additions to existing buildings or buildings not otherwise subject to IZ.

Note: Any penthouse above the Height Act limit would be limited by the more restrictive of the zoning regulations or the Height Act provisions for penthouses.

XIII. Parking for Penthouse Habitable Space

Zoning Commission Proposed Action:

Exempt mechanical space and communal recreation space within a penthouse from parking requirements, but apply parking requirements of the zone and use to other habitable space, including additional residential units, office, or retail space.

XIV. Process for Amending an Approved PUD or Design Review Project

Zoning Commission Proposed Action:

Establish a modification process for review of proposals to allow conforming habitable space within an approved PUD project, with the following additional requirements:

- i. Submission by the applicant with the application, of:
 - a. A dimensioned copy of the approved and the proposed roof-plan; and elevations as necessary to show the proposed changes;
 - b. A written comparison of the proposal to the zoning regulations; and
 - c. Verification that the affected ANC has been notified of the request
- ii. The item not be placed on a consent calendar for a period of 30 days minimum following the filing of the application.
- iii. The submission of an OP report with analysis of the request.

XV. Special Exception Review for Penthouse Regulation Relief

Zoning Commission Proposed Action:

Retain current review criteria for special exception relief from specified penthouse regulations but clarify “operating difficulties”:

“Operating difficulties *such as meeting building code requirements for roof access and stairwell separation or elevator stack location to maximize efficiencies in lower floors*; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable”.

XVI. Definitions

Zoning Commission Proposed Action:

Add / amend the definitions for “Height Act” and for “Penthouse”, and amend the definitions of “Story” and “Story, top” as advertised.

Height Act - Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09).

Penthouse – A structure on or above the roof of any part of a building. The term includes all structures previously regulated as “roof structures” by § 411 prior to [THE EFFECTIVE DATE OF THIS AMENDMENT] including roof decks and mechanical equipment.

Story - the space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured.

For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars, or penthouses.

Story, top - the uppermost portion of any building or structure that is used for purposes other than penthouses. The term "top story" shall exclude architectural embellishment.

Note: Any penthouse above the Height Act limit would be limited by the more restrictive of the zoning regulations or the Height Act provisions for penthouses.