

Case 19657
Mala Mahmood – 1135 Morse Street NE
Letter in Opposition

January 14, 2018

VIA ELECTRONIC MAIL

Chairperson Marnique Y. Heath
Board of Zoning Adjustments
441 4th Street NW
Suite 200S
Washington, DC 20001
Submitted to: bzasubmissions@dc.gov

RE: Letter in Opposition to Application for Special Exception Case 19657, Mala Mahmood

To the Chairperson and Members of the Board:

We, the undersigned neighbors of 1135 Morse Street, NE, write in opposition to the above captioned application for special exception. As set out in the application, 1135 Morse Street, NE, is currently a single family home, consistent with nearly all of the other homes on the 1100 block of Morse Street, NE, and throughout our neighborhood (Trinidad). The Mala Mahmood application seeks an exception under Subtitle U, Section 320.2 of the District Zoning Regulations (“Zoning Regulations”) to convert this beautiful and well-preserved family home into a three (3) unit apartment house. The application also requests a waiver of the requirement under Section 320.2(e) to limit any rear extension to ten feet past the rear wall of either adjoining property; Ms. Mahmood has requested an extension that would exceed the rear wall of the adjoining property by 40 feet or four times that which is otherwise permitted. We urge that you deny Application 19657 in order to fulfill the purposes of the Zoning Regulations to protect the character of our lovely, diverse, and close knit community of neighbors and families, and preserve the appeal of a block lined with relatively deep, sun-lit backyards that are essential for families intent on remaining within the District.

Request for Exception to Convert RF-1 Zoned Single Family Residential Home to Apartment House (under Subtitle U, Section 320.2)

Our neighborhood, Trinidad, is currently zoned as RF-1. Under the Zoning Regulations, “the purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than two (2) dwelling units are permitted.” This application seeks to convert a single family home into a three-unit apartment house. In order to approve an exception to the number of dwelling units permitted under Subtitle U, Section 320.2 of the Zoning Regulations, the Board must find that the application for the special exception has proven that the exception would cause “no undue adverse impact,” “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps,” and “will not tend to affect adversely, the use of neighboring property.” Subtitle X, Section 901.2, 901.3.

Consistent with the purpose of the RF-1 zoning designation, Trinidad has been uniquely preserved within the District as a tightknit community of predominantly single family homes. Even with

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the vast development throughout the District, Trinidad has remained a diverse and close community of families and older residents, some of whom have joined the community recently and others who have been here for generations. In particular, the 1100 block of Morse Street is a quiet, tree lined residential block where children play together on the sidewalks as neighbors converse from their porches and families car- and bicycle-pool to local public and charter schools together. We all work hard to preserve that sense of community. The homes are old and lovely, with 100-year old exteriors and detailed parapets of only a few varieties. While many homes have modern, renovated interiors, apart from the three condominiums that have been erected in the last couple of years, every home has preserved the distinctive, historical facades of the homes on our street.

On the 1100 block of Morse Street, NE, there are only currently three homes that are other than single family homes and one, small separated multi-unit apartment complex. Of those, only two were converted to three unit apartment houses, something that took place quickly before the 2016 change to the zoning regulations and before neighbors took note. The other includes only two multi-level flats, as contemplated by the RF-1 zoning designation of our neighborhood. As is readily apparent to anyone driving down the block, the two three unit apartment houses side by side appear incredibly out of place and incongruous and, as neighbors, we are deeply sorry that we did not take action in time to oppose them. They are a reminder to us all that we are responsible for communicating our objections to the Board if we are to preserve the character of our community.

The proliferation of apartment houses in this area jeopardizes the appearance and character of what is otherwise one of the few places left in the city where families can put down roots and create lifelong homes. Communities like ours are important to the diversity of the District and particularly to the District's schools. As you are aware, there are apartment complexes being developed throughout the city – it is difficult to drive a block in the NE without encountering some new construction project with beautiful, modern apartments “coming soon.” Only a block away, on Florida Avenue NE, it appears there will be several opening in the next year, as is the case on nearby H St. NE. We do not oppose condominium development in areas that are appropriately zoned for such development. However, while we recognize that the Zoning Regulations provide that homes on this block of Morse Street NE may be converted to two unit flats, which do not strictly conform to our incredibly homogenous community, permitting apartment houses is a step too far. With each exception granted to permit an apartment house, this neighborhood will have fewer families and fewer long term residents. A family of four or five can live comfortably in one of these beautiful old homes for a lifetime, sending their children to the local school and investing and participating in the community. Unfortunately, in the current marketplace, developers outbid families each time one of these homes is sold, with the hope of converting them to multi-unit apartment houses that are unlikely to attract such residents, both because of the limited size of each unit and their relative expense. As a result, families are left with fewer and fewer options within the District, increasingly forcing them to the Virginia or Maryland suburbs.

In addition, we are facing a parking crisis that will only be exacerbated by apartment houses like the complex proposed for 1135 Morse Street, NE, which provides for only one parking space to support three units. Already, neighbors in need of street parking often must walk blocks, with small children in

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tow, to park, particularly on the two days during which only one side of the street is available due to street sweeping. Adding residences with insufficient parking will create a nightmare parking scenario for many of us. As a community, we have already inquired about permitted parking, but if permits are issued they would be available to apartment house residents just as they would be to current neighbors.

We recognize the need for apartment housing in the city, but, as a matter of policy, urge the Board to also consider the District's broader interest in balancing the proliferation of apartments throughout the District with preserving a diverse mix of residents and maintaining communities like ours that attract long term, committed residents and that depends on the dwindling stock of single family homes like 1135 Morse Street, NE. Otherwise, the alternative for many will be the suburbs. We ask: if not here, under what circumstances would the RF-1 zoning designation, and the intent behind it, be protected? What is the purpose of designating an area for one and two dwelling spaces if, in a community such as ours, an exception like that sought by Ms. Mala Mahmood would be granted? If permitted here, the exception under Subtitle U, Section 320.2 will simply swallow the rule.

For these reasons, this application would clearly result in an "adverse impact" upon the neighboring property owners and community as a whole, is manifestly at odds with "the general purpose and intent of the Zoning Regulations," and, thus, cannot satisfy the burden of proof set out under Subtitle X, Section 901.2 and 901.3 which is required to be demonstrated for the Board to grant a special exception of this nature.

Request for Waiver Regarding Existing Dormer Requirements under 320.2(e)

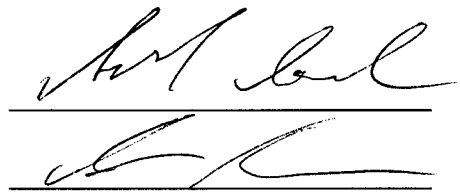
Subtitle U, Section 320.2(e) requires that, in converting a single family RF-1 zoned home to an apartment house, "[a]n addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property." Section 320.2(l) states that the Board shall not waive the requirement under Section 320.2(e) where such waiver conflicts with Section 320.2(i), which states, in relevant part, that the proposed "addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular . . . [t]he light and air available to neighboring properties shall not be unduly affected; and [t]he privacy of use and enjoyment of neighboring properties shall not be unduly compromised."

The proposed rear addition would extend 40 feet past the furthest rear wall of the adjoining principal residences, both single family homes. As the Office of Planning identified in its analysis, relayed to the Board in its January 5, 2018 Memorandum (subject: "BZA Case 19657 (1135 Morse Street, N.E.), requesting relief to convert an existing row dwelling into an apartment house with three units"), "the proposed rear addition would intrude upon the character of this portion of the alley side of the block, which, with the exception of a few apartment conversions, remains generally consistent." Out of concerns regarding the substantial impact of such an addition to the use and enjoyment of the neighboring yards, as well as its effect on the light and air available to the neighboring properties, the Office of Planning recommended denial of the special exception. We share and reiterate those concerns.

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It is precisely the purpose of the Board to protect the character of communities like ours by maintaining beautiful structures like 1135 Morse Street, NE, and preventing developers from altering the design and overall character of the homes and yards in a manner that clearly changes the character and appearance of the street and impacts neighbors by degrading the aesthetics, property values, and use and enjoyment of their homes, the neighborhood, and the community that we have dedicated our lives to maintaining. It is the purpose of your Board and the Zoning Regulations to protect not only individual property rights, but the community's interests by requiring developers to adhere to requirements like Subtitle U, Section 320.2(e). We ask that you fulfill that purpose by protecting our community's interests in denying this application.

In conclusion, we urge that the Board fulfill its purpose and the intent of the Zoning Regulations to protect the character and consistency of our unique and wonderful community and preserve the ability of neighbors to use and enjoy their yards by denying Application 19657.



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