

APPELLANTS' EXHIBIT B

Text of March 2026 email correspondence between ANC3D Commissioner Duncan and Deputy Zoning Administrator Vitale

MARCH 27, 2026 EMAIL FROM DEPUTY ZONING ADMINISTRATOR

From: DC Department of Buildings <dob@dc.gov>

Sent: Friday, March 27, 2026 4:29 PM

To: Duncan, Tricia (SMD 3D02) <3D02@anc.dc.gov>; Vitale, Elisa (DOB) <elisa.vitale@dc.gov>

Cc: Horn, Bernie (SMD 3D05) <3D05@anc.dc.gov>

Subject: Re: FW: ZA Question regarding front setback in R-1-B

Good afternoon Commissioner Duncan, I hope you are well.

I apologize for not getting back to you sooner regarding your front setback inquiry.

We have reviewed the two properties you mentioned in your original message and have determined that both properties comply with the front setback regulations in D-206.2.

4817 Rodman ST NW, B2502697 - the established range of front setbacks for the block face ranges from 8 feet to 28 feet and the subject property is proposing a front setback of 8.2 feet. The proposed covered porch would be setback 6.5 feet.

4823 Tilden ST NW, B2603167 - the established range of front setbacks for the block face ranges from face-on-line to 15 feet and the subject property is proposing a front setback of 1.2 feet. The proposed covered porch would be located partially within public space.

For purposes of applying the Front Setback regulations, the properties are zoned R-1B and, pursuant to D-206.2, all residential buildings must provide a front setback within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed. In evaluating the blockface, we look at all residential buildings on the blockface and include the corner properties. A mid-block alley would not interrupt or limit a blockface for purposes of evaluating the range of front setbacks within the block.

The Rules of Measurement for Front Setbacks for Residential House (R) and Residential Flat (RF) Zones provide clarification for how the front setback regulations apply to new residential buildings on corner lots and, pursuant to B-315.3, the owner of the lot may choose the street lot line that shall determine the application of any front setback requirement.

With respect to porches, it has been the longstanding practice of the Office of Zoning Administration to permit porches, with or without a roof, to extend beyond the range established by the building facades on the blockface. Vestibules, mudrooms, or other enclosed entries must comply with the front setback requirements for the zone in which they are located. Any projection in public space would require a District Department of Transportation Public Space Permit.

Please reach out if you have any additional questions.

Regards,
Elisa

Elisa Vitale, AICP | Deputy Zoning Administrator
The Department of Buildings
elisa.vitale@dc.gov | 1100 4th St SW, DC 20024
main: 202.671.3500 | cell: 202.286.5899
dob.dc.gov

MARCH 24, 2026 EMAIL FROM COMMISSIONER DUNCAN

On Tue, Mar 24, 2026 at 11:40 PM <3d02@anc.dc.gov> wrote:

Dear Elisa,

Thank you for your response on 3/2 to our inquiry about the front yard set back in R-1-B. I'd like ask again if you can give us some guidance on this.

The public space application for the home at 4823 Tilden is coming up for review and the neighbors are asking about the front set back.

To refresh your memory....

4823 Tilden St. There is Raze Permit issued on this property and ANC3D has seen the footprint of the home through a Public Space Permit application. This home may very well be 12 feet closer to the street than every home on the block save for one. The corner home at 4801 is a smaller lot and the home sits quite close to the street.

Is the new home allowed to use this non-conforming house on the corner lot to set the new standard for front yard setback for the whole street? I'm pretty sure they haven't submitted their full building permit application yet but I did see a Plumbing Permit (P2605383) had been issued.

Attached is the site plan submitted with the Public Space Application.

Thank you!
Tricia Duncan
202-288-5498

MARCH 2, 2026 EMAIL FROM DEPUTY ZONING ADMINISTRATOR

On Mon, Mar 2, 2026 at 11:35 PM <dob@dc.gov> wrote:

Good evening Commissioner Duncan, I hope you are well and enjoying the snowy afternoon.

Thank you for sharing your observations, and specific addresses for reference, related to the front setback provisions on corner lots. We will take a look at the addresses you provided and review the permits to ensure the front setbacks regulations have been appropriately applied.

I appreciate you sharing the policy language from the Land Use Element of the Comprehensive Plan. The Office of Planning is in the process of updating the Comprehensive Plan (<https://dc2050.dc.gov/>) and this is an opportunity to make sure the document envisions the future you and your community desire for your neighborhood. Zoning follows, and must not be inconsistent with, the Comprehensive Plan. Any changes to the Comprehensive Plan will set the stage for future Zoning text amendments that could impact development standards, use permissions, and regulations related to the sustainability or environmental performance of buildings.

Please allow us a week to review the properties you mentioned in your e-mail and get back to you with our analysis.

Regards,
Elisa

MARCH 2, 2026 EMAIL FROM COMMISSIONER DUNCAN

On Mon, Mar 2, 2026 at 11:17 PM <elisa.vitale@dc.gov> wrote:

From: Duncan, Tricia (SMD 3D02) 3D02@anc.dc.gov

Sent: Monday, March 2, 2026 11:12 AM

To: Beeton, Kathleen (DOB) kathleen.beeton@dc.gov; Vitale, Elisa (DOB) elisa.vitale@dc.gov

Cc: Horn, Bernie (SMD 3D05) 3D05@anc.dc.gov

Subject: ZA Question regarding front setback in R-1-B

Dear Kathleen and Elisa,

We once again are writing to ask you to review a policy at DOB, this time regarding front yard setbacks. Before we get into details, we want you to know that we have seen a decrease in our area of builders trying to get away with "Addition/Renovation" projects and instead actually seeking a raze permit. In other words, we are seeing improvement. Thank you!

The subject of the front yard setback has come up on a number of new home builds in the Spring Valley neighborhood. At least ten neighbors have written to us expressing concern. The zoning code Section D12 305.1 addresses the front set back

A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-1 through R-3 zone on the same side of the street in the block where the building is proposed.

On many of our streets within 3D in the R-1-B zone, the corner lots are non-conforming, meaning they don't meet the minimum lot size or width thus the corner home is sometimes 10-12 feet closer to the street than all the other houses. In practice, this means that the new homes that are being built are much closer to the street than every house on the street. We are seeing a ripple effect on some of our streets as new homes are pushed closer and closer to the street based off of a corner lot that is non-conforming, then all the residents are complaining about the "character of their street".

Here are two examples that illustrate this issue.

1. 4817 Rodman St B2502697. This is a VERY large home that is significantly closer to the street than every single house on the block except for the corner house which sits on a non-conforming lot. There seems to be frenzy of people leaving the street and selling to developers as more new mansions are built.
2. 4823 Tilden St. There is Raze Permit issued on this property and ANC3D has seen the footprint of the home through a Public Space Permit application. This home may very well be 12 feet closer to the street than every home on the block save for one. The corner home at 4801 is a smaller lot and the home sits quite close to the street.

A thoughtful neighbor brought to our attention a portion of the Comprehensive Plan we think addresses this issue. In the Citywide Elements, Chapter 3 Land Use Element it states:

Policy LU-2.1.6: Teardowns and Mansionization- Discourage the replacement of quality homes in good physical condition with new single-family homes that are substantially larger, taller, bulkier or likely to require more energy than the prevailing building stock. link <https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/03-LU.pdf>

We welcome your thoughts on this. The new very large homes are (mostly) being designed to maximize size in lot coverage and height, right up to the limits of zoning. This seems legal but is it what the City really intends through zoning? Do the neighbors have a legitimate claim to the "character of their street"?

Thank you for your thoughtful time on this. I would like to give the residents some answers.

Kindest regards,
Tricia Duncan