

Testimony before the DC Zoning Commission
Submitted in Case No.: 08-06A
Case Name: Title 11,
Zoning Regulations Comprehensive Text Revisions
Draft Proposed Text, Title 11, Subtitle E (Residential Flats)
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We are Sherrill Berger and Robert Robinson, we live at 1631 Newton Street, NW in the Mt. Pleasant Historic District. We are members of Historic Mt. Pleasant and the Mt. Pleasant Solar Coop, but we are here to testify in our personal capacity.

DC government announced the goals of the zoning update to be:

- 1.clarity
- 2.relevance, and,
- 3.ease of use

(<http://zoningdc.files.wordpress.com/2012/08/why-now-august-2012-revised.pdf>)

this is what we found:

- 1.the proposed regulations are infinitely more confusing and ambiguous and their organization deceptive*;
- 2.they do tremendous violence to our neighborhood; and,
- 3.they included no crosswalk to the original regulations; no accurate information on what improvements or remedies each proposed change was designed to achieve; nor information about who proposed these specific changes and what their stated object was.

The Big Fallacy: DC lacks sufficient housing for young people who move to DC for jobs. Single family homes are in short supply and very expensive. OP's solution is to zone a land rush by developers to convert single-family homes to condos and apartments and permitting the converted space to cover 60% of the lot, and, hey! presto!: more affordable housing. Problem solved.

The Reality: The conversion authority in R-4 zones works to bid-up the price of remaining single family homes, only to remove them from the market and make housing of all kinds more expensive.

- 1.This decimates the stock of single family homes, artificially inflating their cost.

2. It further inflates the already overpriced single family homes, because the cost of the condos is so high.
3. Once married, singles flee these high-priced, tiny condos and apartments.
4. These regulations permit the single family homes to be converted into four units per 900 sq. ft. of lot coverage*.
5. They disincentivize single family homes that can only occur 40% of the space, while permitting the conversion to occupy 60% of the space; enabling developers to outbid homeowners, decimate single family housing stock, drive up housing costs and destroy the character of existing neighborhoods!
6. When four distinct owners control a single-family property, it's virtually impossible to return it to a family residence.

Case in point: behind our own townhouse is a three story townhouse with a basement that has been converted into four condominiums by one of the city's leading scofflaws. The prices are around \$300,000 per unit. It has been plagued by building code violations. Rarely are more than two of the units occupied.

Proposed Zoning Changes Ignore Comprehensive Plan Strictures

The Comprehensive Plan calls for actions related to row house neighborhoods that address many of our concerns about the future of Mount Pleasant. These should be codified in any proposed zoning regulations and should speak specifically to DCs need to :

- conserve its row house neighborhoods — and build more;
- maintain diversity in housing types;
- create more single-family housing throughout DC;
- achieving consistency between zoning regulations and design standards for historic properties.

Likewise, changes in the zoning regulations should bifurcate the current R-4 zoning designation into two separate zones, one for one-to-two-family row house neighborhoods and another for multi-family neighborhoods. We are anxious to have land use controls in our neighborhood which, as stated in the Mid-City Area Element of the Comprehensive Plan, would “discourage the subdivision of single family row houses into multi-unit apartment buildings.”

Sadly, none of these proposed zoning regulation changes offer anything like this.

What We Want:

We call for the appointment of a Historic Preservation Review Board capable of considering the interests of DC's residents and neighborhoods, rather than the dicta of the current Planning and Economic Development regime.

They refuse to limit the size of proposed matter of right additions without substantially increasing the maximum lot occupancy for many houses in the neighborhood. No historic district in the city, should have to contend with the design review challenges that would come with such a drastic change. We support maintenance of the longstanding system of variable lot coverage maximums for different kinds of residential structures – 40% for detached and semi-detached, 60% for row, with the caveat that these limits should apply irrespective of the number of dwellings within each structure.

Likewise, we call for the appointment of a Zoning Commission and a Board of Zoning Adjustment capable of enforcing DC Laws and Regulations and their own orders to protect, the housing, health and safety of the District. (In BZA Case #18599, recently, it refused to enforce an institution's 15-year noncompliance with an order regarding the use of property it purchased from the city, in spite of a history of crime and public safety problems.)

We demand an end to matter-of-right conversions of single or two-family homes to multi-family dwellings in row house zones. We ask you to remove chapter 6 from Subtitle E. Continuation of this authority is inconsistent with the new paradigm of having different zones for different levels of density in row house neighborhood and will only do further harm to Mount Pleasant and other row house neighborhoods.

We want an end to regulations designed to accelerate the conversion of single family homes to multiple units and the subsequent sale of those units to multiple owners.

We demand the removal of the proposed language that assigns a uniform lot occupancy of 60% to all residential structures in row house districts. A uniform lot occupancy only works in a pre-Columbian flat world. Because of our up-hill-and-down-dale topography, we have a wide range of lot sizes, many of which should not be built to 60% : case in point: HPRB Case#13-335 Oakwood Terrace, NW.

Case in point: The proposal to rezone Mt. Pleasant to RF-1 does not accomplish its stated goals*.

The claim is made in section 204.1, that “[t]he maximum number of permitted dwelling units in the RF-1 zone [subject to grandfathering of nonconforming properties] shall be two.” But is that the outcome?

Well — no. They propose conversion provisions from the 1958 code; applying the new definitions of “flat” and “apartment building” to the language in Chapter 6 ***only limits the future conversion to five-unit dwellings – it permits conversions of single family homes to three- or four-unit dwellings***, depending on lot size. This does not provide the relief we need in Mount Pleasant. It assures the neighborhood’s destruction.

Case-in-Point: 1738 Park Road, NW

Here’s how the conversion of single family homes to three- or four-unit buildings (more often condominiums than apartments) erodes the stock of single family houses (often already having basement apartments).

The conversion of 1738 Park Road into four condominiums is underway. This semi-detached house on a 3883 square foot lot is one-half of three identical duplexes on deep lots created by the curve in Park Road. For three decades it housed several generations of a family. When offered for sale last year, an out-of-town developer with no experience working in historic districts – and no sympathy for the house itself – bid the property up to \$936,000 and proceeded to develop plans for a large addition on the rear, roof deck, and excavations along the side and rear of the property. The garage, like the house, half of a structure attached to its mate, would be demolished to allow the additional lot coverage to be concentrated on the house and the entire rear yard paved over for parking.

In truth, there are tracts, neighborhoods, whole communities all over DC that could accommodate detached, attached, semi-detached and row houses and multi-family developments — if DC government were willing to develop the same infrastructure for housing it does for commercial development.

* A key example of the *deceptive language*.

But DC government balks. The problem is the developers, for the most part, want to invest in established neighborhoods, where — due to DC’s destructive planning and zoning practices, the housing stock is disappearing and its conversion continues to inflate housing prices.

Mt. Pleasant History

Mt. Pleasant’s homes were developed to house DC’s rising numbers of civil servants after the Civil War. The homes were carved out of farmland.

Its row houses were built with basement entrances designed to support accessory basement apartments to the principal dwelling. These accessory units enabled Mt. Pleasant homes to house senior family members, or use the ADU as a revenue source to stabilize families in the home.

Before and after the Second World War, the influx of refugees led to the conversion of its larger homes to rooming houses and apartments. Recent waves of Americans are arriving from the Caribbean, Central and South America.

Subsequently, Mt. Pleasant was given an R-4 zoning designation that permitted conversions, at a rate of one unit per 900 square feet of lot coverage. Unlike R-3 zones (where conversion of basements to units is disallowed), this designation was not intended to permit conversion of our single family homes to apartments. Nevertheless such a transformation began to occur.

This R-4 designation of our row houses in 1958 encouraged the loss of important historic fabric over the years and continues to threaten its basic architectural form — early twentieth-century single family row houses.

Important houses were razed and replaced by “garden apartments” and other structures not in keeping with the style of the neighborhood -- precisely because the R-4 designation permitted the subdivision of large properties for what was seen as easy profit.

Case-in-point: 1802 Park Road, NW

This stucco home was demolished, and a block of condominiums put in its place. Its 18th Street garden was paved over for street-front driveways/ garages/front entrances. A classic Mount Pleasant porch gave way to a three-story masonry wall.

Historic Mt. Pleasant was formed in 1985 primarily for the purpose of seeking historic district designation for Mount Pleasant, one of the earliest “streetcar suburbs” in the city. In large part, its purpose was to protect Mt. Pleasant’s homes, its architectural integrity and its single family neighborhoods from being further undermined.

Since establishment of the historic district, we have been able to protect some of our single family homes from demolition. However, there are continuing problems with enforcement of those rules and the designs of additions because of the tendency, primarily of developers, to seek to maximize lot occupancy.

OTHER PROVISIONS

Accessory Dwelling Units (ADUs): allowing ADU's to be developed creates a source of more affordable rentals, if, and only if, it requires that the owner must live in either the principal unit or the accessory unit (to avoid the affordability pressures that come if the regs permit a single family unit to be converted into 2 - 3 condos). It creates an opportunity for rental income to help families afford to buy a home, or to offer a separate unit for aging parents or young adult children.

Corner Stores: This is probably a good idea, particularly for neighborhoods without easy access to a grocery store for a quart of milk, diapers, etc. However where corner stores and other unused property are turned over to non-profits, churches and other organizations that lack resources to maintain or develop them — they become nuisances.

Parking: Subtitle C, chapter 1900. Historic resources may be granted exceptions to parking minimums if compliance would result in significant architectural difficulty [1903.2(h)], an addition results in less than a 50% increase in floor area (1904.2), or there is a change in use without expansion (1905.3).

This is fundamentally what exists in the regs now. We have no problem with it as such, but with the total absence of transportation policy, management and enforcement.

The problem is that DC promotes the growth of commuter traffic into DC, to increase revenues from parking and speeding tickets. You cannot create a “green” transportation policy with only negative disincentives (tickets, fees & fines) you

must have a range of positive incentives (mass transit options) to stop people bringing private cars into DC and create municipal parking to reduce pressure on residential neighborhoods.

Still, DC encourages the increase of commuter traffic without making any commensurate investment in mass transit, and without making any attempt to improve traffic safety and enforce traffic laws or manage residential parking.

When DC develops a DC USA or a Walmart, DDOT does not develop plans to manage the traffic and parking.

Similarly, DDOT is happy to blend increasing commuter automobile traffic, commercial vehicles and buses with increasing numbers of bicycles, scooters, even skateboards and pedestrians.

It is unplanned, unmanaged, polluting, dirty and dangerous: traffic safety laws go unenforced and ignored. Is it any wonder DC is the most dangerous city to drive in the US?

Bump-Ups: developing Distributed Generation is key to Sustainable DC and DC's new Comprehensive Energy Policy. We want to see Zoning regulations that prevent matter-of-right vertical additions that shade solar arrays on adjacent homes.

Robert Robinson