

Testimony before the DC Zoning Commission Submitted in Case No. 08-06A regarding
Draft Proposed Text, Title 11, Subtitle E (Residential Flats) November 7, 2013

Submitted by Claudia Schlosberg and Wayne Kahn

Mr. Chairman and Members of the Commission. My name is Claudia Schlosberg. My husband is Wayne Kahn. I have lived in Mt. Pleasant for 33 years. My husband has lived in Mt Pleasant for 15 years. For the past 15 years, we have lived at 3305 18th Street, N.W. in one of the oldest homes in Mt. Pleasant. We were unable to appear in person at the hearing regarding changes to the zoning regulations due to a family emergency but request that our testimony be entered into the official record of the proceedings for consideration by the full Commission.

As long-time Mt Pleasant residents, we are increasingly concerned about the ability of developers to come into our neighborhood and convert single family homes into multiple condo units with no input from the neighborhood. As you are well aware, our large lots, coupled with the R-4 designation gives developers the ability to come in and subdivide single family homes into multiple units as a matter of right. Developers often request variances to create more units than even the lot size allows and these appear to be granted routinely. Our experience is that neighbors don't have any say in the process. Notices about variances are not sent or if they are, they are not effective in notifying neighbors of the issues or the process. The MTP Historic Association has no real authority and if the developer is acting "by right" our ANC will approve any proposal since the developers are acting within the law.

These matter of right conversions are accelerating the loss of remaining single-family homes and are having a detrimental impact on our quality of life. The ability of developers to convert single-family homes into multiple condominium units is also helping to inflate housing prices. While historic designation has helped to stem the loss of exterior features, the gutting and subdivision of these homes means the permanent loss of historic interiors.

Our concerns were recently heightened when our neighbors put their house on the market. Our home is one of the oldest in the neighborhood. It is a frame structure that was built in 1896 by two brothers as one home divided down the middle. There is no firewall between us and we "share" a two-story carriage house. Although there were many couples and families interested in buying the home and fixing it up to live in, our neighbors entered into a contract with a buyer who threw a significant amount of extra cash into the deal. The buyer turned out to be a developer who understood that with that large lot, he could convert this home into five condos. To do so, he planned to blow out the back of the property and build a large extension that would have overwhelmed our own yard (which we just recently landscaped) and destroyed the historic integrity of this unique home. The developer could have done this without so much as consulting us except for the fact that our carriage house is a shared structure, and they needed/wanted to tear it down to maximize the size of the addition they wanted to build to accommodate

five units. The realtor who contacted me after the contract was signed was nice but clear - this is what my client is doing. He also made it sound like they had already received all the approvals needed (he was that confident). When I heard what they planned, I felt sickened and angry. From my husband's experience when he was on the ANC, we were already familiar with what happened on Irving Street back around 2004-6, when a developer purchased a single family attached home and was allowed to blow out the back and create multiple condos that loomed over the adjacent neighbor's property. That neighbor had fought the developer's plans and had the support of Historic Mt. Pleasant. He still lost and ultimately, the project was so intrusive, he and his family packed up and moved. Apparently, in that case, the developer prevailed even though in retrospect, the city agreed that some of the approvals were mistakenly granted.

More recently, the manse across from us was purchased by Grant Epstein, a developer and turned it into 12 condominium units. I only learned of the plans because I happened by an ANC meeting one evening. When I spoke to the developer and asked him if he needed to notify neighbors, he was quite clear that he was within his rights and did not need to do so. Although Mr. Epstein eventually agreed to meet with neighbors, it was only to share his plans. He was oblivious to neighbors concerns about the number of units, the lack of parking, the lack of space for trash, etc. Mr. Epstein apparently needed and received a variance to convert the carriage house into a separate unit -- a variance he received. No one that I have spoken with remembers receiving notice about this. We all wondered how this was allowed.

When it came to our home, fortunately, for my husband and I, we were not dependent on the city's laws and regulations to protect our interests. After making it clear to the agent that the developer would never get our cooperation, the developer backed out of the contract based upon a contingency. Notably, our neighbors who were selling the property were grateful. They didn't realize the full extent of the developer's plans until after they had entered into the contract, at which point they had seller's remorse but no way out of the deal they had struck. It was the unique nature of our property and the fact that the developer needed our ascent to raze the carriage house that saved us from a battle that, given the current regulatory environment, we would most likely have lost.

Since this happened, we have been speaking with neighbors and have learned that there is growing concern throughout the neighborhood. There have been several recent conversions of single-family homes and more appear to be in the works. Neighbors and neighborhoods need more protection against developers who are in the business to make money. They are able to run over ordinary citizens before we are even aware of what is happening. We are not against all condo conversions but we need stronger safeguards. The "by right" provisions need to be eliminated in favor of a process that allows for more consideration of the neighborhood interests including the preservation of historic structures and affordable rental units. Adjacent property owners must have greater rights. Variances should be allowed but they should be exceptions, not the rule. The process for notifying neighbors and giving them a real opportunity to participate in the process must be strengthened. There also must be standards in the regulations that favor existing uses and put the burden on the developer to make his/her case that there are no adverse

impacts to adjacent neighbors and to the neighborhood. The bar must be higher for those who seek fundamental change. Ultimately, we must find ways to ensure that R-4 doesn't mean a free for all -- where developers come in and make changes to our community that have permanent, irreversible impacts that fundamentally change the nature of our community.

Accordingly, we support the recommendations of Historic Mount Pleasant to remove Chapter 6 from Subtitle E, maintain current lot occupancy maximums for different kinds of housing; and set those maximums by building type and not the number of units. In other words, "flats" should not be entitled to more lot coverage than the building itself based on its exterior style, whether detached, semi-detached, or row. We also oppose continuation of the conversion authority, the current 20% lot occupancy conversion bonus, and the proposal to raise maximum lot occupancy to 60% for detached and semi-detached single family residences, with or without existing accessory dwellings.

We appreciate this opportunity to provide testimony on the new zoning regulations and urge the Commission to take action to preserve Mount Pleasant.

Sincerely,

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