

My name is Ronald Baker

In 2002, I was lucky enough to buy the row house which I had rented since 1990

In 2014, I was one of the founders of *Neighbors Against Downzoning*, an all volunteer group of friends, neighbors and home owners in Washington, D C , formed to defend home owner zoning rights

Our group was established in response to efforts by another group to have the Lanier Heights neighborhood of Adams Morgan re-zoned downward from an R-5-B zone to an R-4 zone. We oppose such residential downzoning due to the severe loss of property rights -- and property value -- that it will inflict on home owners Our petition in opposition to residential downzoning currently has more than fifty signatures, primarily from Lanier Heights row house owners.

Although the application for a Lanier Heights map amendment has not been filed yet, we anticipate this will happen in the near future I am here tonight to speak against the changes proposed in case 14-11 both as a concerned citizen of the District of Columbia and as a row house owner who will suffer a double blow to my property rights and economic security if the proposed R-4 downzoning is enacted and then followed by a map amendment to reclassify Lanier Heights from R-5-B to R-4

While it is understandable that home owners are concerned about what they see as under regulated over development in row house neighborhoods, particularly when it comes to pop-up developments in R-4 zones, the proposed remedies put forth in case 14-11 are an extreme over reaction to a relatively minor problem

The few instances of so-called "ugly pop-ups" that have captured the attention of the local media and spawned a near hysterical reaction among some home owners must be weighed against the more numerous instances of pop-up developments that range from the frequently unremarkable to the occasionally well received The social and economic value of the majority of these developments, both to home owners, their neighborhoods and the city at large is significant and should not be sacrificed lightly

I urge the Zoning Commissioners to reject any new restrictions proposed under case 14-11

Sincerely,



Ronald Baker

Lanier Heights row house owner

Neighbors Against Downzoning

ZONING COMMISSION  
District of Columbia  
NO 14-11  
EXHIBIT NO. 114  
ZONING COMMISSION  
District of Columbia  
CASE NO. 14-11  
EXHIBIT NO. 114

The last couple of days produced many reader comments on the case at the blogs **Greater Greater Washington** (*DC may limit condos and building heights in some row house zones. Is this a good idea?*) and **Prince of Petworth** (*Unintended consequence of anti-pop-up proposal*) A few of the more concise postings from these blogs are reproduced below

I don't support significant restrictions on breaking up existing row houses Many such buildings are very large, and it is uneconomic for all but the wealthiest households to own and maintain such buildings (RL, GGW 1-13-15)

I'm much more willing to support a comprehensive design review requirement than I am an outright ban on popups There are a couple of popups on my block that have mimicked the existing structures to such an extent that it's hard to tell that the extra story isn't original (JS, GGW 1-13-15)

Once people are settled they don't want any changes, and then everyone else is effectively priced out of a neighborhood and you don't have the tax base for needed improvements. It's tough enough to develop in the district More restrictions aren't needed (EC, GGW 1-13-15)

Downzoning is not going to make single family homes and row homes more affordable in the district On the contrary, it is likely going to increase the housing costs in DC, as supply will be depressed in the face of increasing demand (MEH, GGW 1-13-15)

I am buying a rowhouse in a R-4 neighborhood coming from outside of DC I want the freedom and ability to create a third or fourth condo if I so choose For those seeking to purchase a reasonably sized / priced home in DC with value, this is an economically viable strategy, buy a rowhouse, renovate to suit my preferences, create condos, sell condos, pay down the mortgage and recoup construction costs, end up with a spacious home that suits my preference at an affordable mortgage. I cannot be the only one to have thought of this (JOHN, GGW 1-13-15)

I agree that restrictions on R-4 conversions are tantamount to a downzoning and that the effect of the proposed text amendments will have a significant impact on the price of housing in these neighborhoods because it will suppress supply (KB, GGW 1-13-15)

It sounds like what is being proposed is a subsidy for wealthy households -- i.e. having the city forego the added tax revenue from a denser development by limiting land values in order to facilitate purchases by high-income families/individuals The cost is also passed along to smaller/less wealthy households in terms of reduced supply of studios, 1 BR and 2 BR apartments (RTA, GGW 1-14-15)

I don't understand why DC would willfully limit density in a large part of the city that also happens to be mostly transit / metro friendly and adjacent to downtown If anything, it seems like this is the area that should increase density - and increase it by a lot. (DLG, GGW 1-14-15)

Just a reminder. There are far more single-family homes in the District than there are couples with children to live in them The majority of single-family homes in DC are occupied by non-related roommates or childless couples. We don't have a shortage of family-sized units, if anything, we have a glut of them (CTD, PoP, 1-14-15)

I haven't seen that many places that I would call truly ugly. There are a few I don't like but most seem pretty average. What I read on PoPville and other blogs is this weird idea that every development that isn't well "above average" is somehow a disgrace to the city or an insult to the neighborhood. The harsh judgments usually come from people who don't think enough money was spent on the project, as if every critic is a multimillionaire or identifies with multimillionaire tastes (AoA, PoP, 1-14-15)

My neighbor bought the victorian as a three-unit building as a single guy in the very early 1980s. He didn't need an entire house, and couldn't afford to live in it by himself, but liked the idea of the investment potential. So, he lived on the first floor and rented out the two units upstairs. After he married, when he and his wife wanted to have children, they "annexed" the middle unit to make the lower two floors a large 2.5 bedroom property. When they had another child later, they "annexed" the top floor, converted it into a master suite, and used the whole house. After the children moved away, they converted the first floor back to an apartment and downsized to the upper unit. They are now older, own the house outright, and thinking about moving back to the first floor to avoid the stairs and either renting the large upper unit or converting it back to two smaller apartments. He often says he's been in that house over 35 years, and he's adapted it to whatever phase of life he was in at the time, and loved it. But, it sounds like that might not be allowable if this bill passes. (anonymous, PoP, 1-14-15)

Supporters of this proposal think that prohibiting pop up conversions will make rowhomes more affordable. It won't. Developers will still win bidding wars, except that instead of getting two 550 – 650K units, you get renovated row houses that sell for 850K plus (JS, PoP, 1-14-15)

My next door neighbors moved out of their row house a few years ago when their two kids reached school age. They said they needed more space, but instead of popping up their row house for \$250,000 they bought a detached dwelling in far upper NW for \$1.1 million — in an area with better schools. So it's schools more than space that drives the great family exodus towards the suburbs (those inside and outside the District proper) at least for those who can afford it. (Anon, PoP, 1-14-15)

The reason that "families" by which, let's be real here, people mean your ideal two parent-two kid family, can't afford row houses is that the demand for rowhouse living exceeds supply. It's not that "too many" of them are being converted into multifamily buildings. Should we start prohibiting childless couples from bidding on row houses? They have more disposable income and can outbid "families" after all (JS, PoP, 1-14-15)

Objections to "ugly pop-ups" conceal some deeper objectives of "zoning reformers" — they don't want any increase in density that might create congestion, noise and competition for on street parking. Arguments about "aesthetics" and "saving family housing" are just eyewash. (AoA, PoP, 1-14-15)



# NEIGHBORS AGAINST DOWN ZONING

YOUR NEWSLETTER for HOME OWNER RIGHTS in Lanier Heights  
[Lanier.Neighbor@gmail.com](mailto:Lanier.Neighbor@gmail.com) DECEMBER 2014 EDITION

## WHERE IS THE "MIDDLE GROUND?"

In September, just a couple of weeks before the deadline set by our ANC for submitting proposals to change the zoning in Lanier Heights, proponents of downzoning sent an email asking if we saw *"a way to develop some type of specialty zoning that would potentially suit the needs and interests of both sides."*

We replied: *"Of course we are interested in what you might have to say at this late date in the controversy."* We asked for their ideas.

Their reply was simply another request for ideas from us: *"Do you have any proposal about a middle ground on the zoning issue?"*

We did not take these late requests for discussion very seriously at first. But some members of Neighbors Against Downzoning did suggest possible compromises. One suggestion was that Lanier Heights keep its current R-5-B zoning with the addition of a review process for new developments or redevelopments of existing row houses. Another idea came from one of our members who lives in a recently converted row house condo who believes that a maximum of four dwelling units is a reasonable "middle ground" between the two-unit limit sought by the downzoners and recent eight-unit developments like one on Lanier Place.

This author suggested that perhaps a compromise solution could allow the 99 supporters of downzoning to accept R-4 zoning for themselves while the 15 row house owners on record against downzoning could keep their R-5-B zoning rights. The 50 undecided home owners would be given a deadline to make a choice between the two.

None of our suggestions for compromise have ever received an official reply from the downzoners, and they have offered no ideas of their own.

Ultimately the best course is to allow Lanier Heights to keep its current zoning. The downzoner complaint that R-5-B zoning is uncharacteristic for row house neighborhoods misses an important fact: Lanier Heights is not a neighborhood of row houses. It never was.

It is a neighborhood of moderate density apartment buildings.

That is the history of Lanier Heights.

That is its present state. That is its future.

The true "middle ground" for Lanier Heights lies somewhere between single family row houses and large apartment and condo complexes.

That middle ground is row-house pop-up developments.

## ANC VOTES AS EXPECTED

The December 3, 2014 ANC vote on downzoning Lanier Heights came as no surprise. The ANC were most interested in the opinions of the 165 owners of unconverted single family row houses. This is the group that will be most affected by downzoning. They will be the ones most affected by new pop-ups.

That was the view of the ANC.

The downzoning petition claims support from 99 of these 165 home owners while "only" 15 people who own affected row houses are strongly against downzoning. The 50 Lanier Heights row home owners who never chose a side on the issue weren't part of the ANC calculation.

Obviously, we disagree with the ANC vote, but we understand why they voted as they did, based on their definition of who the true stakeholders are.

Our view is different.

Those 99 petition signers represent just 60% of the affected home owners. That is far from an overwhelming majority. If only a few of those 99 people change their minds or sell their homes and move, the percentage could easily drop to 50% support – or less.

While these slim percentages might be enough for the ANC, we think it is a weak result to use as a basis for taking away the rights of 100% of current and future home owners in Lanier Heights.

The ANC did their job as they saw it. The petition for downzoning now will advance to the next level.

We are encouraged that more home owners on Lanier Place signed our petition and put up yard signs in just the last few days before the ANC vote.

To those who have a NEIGHBORS AGAINST DOWNZONING yard sign in your yard, keep it there. If you want a yard sign (or two or three) let us know. If you live in an apartment or condo in Lanier Heights and want signs for your yard or window, let us know.

We think your opinion counts.

Everyone in Lanier Heights is a stakeholder.

**LEGAL POSTERS** are signs that do not deal with the sale of goods or services. Examples of legal posters include public service announcements, civic meetings, neighborhood assemblies, citizen march events, political draft committee posters, and similar postings.

**SIGN THE PETITION FOR HOME OWNER RIGHTS AT [WWW.NADZ.ORG](http://WWW.NADZ.ORG)**