

Written Testimony Submitted by Sherrill Berger
Zoning Commission Public Hearing of Case No. 14-11
JAN 26 PM 2:19

Office of Planning

Open Until January 29, 2015

Date: January 26, 2015

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th St., NW, Suite 2105
Washington, DC. 20001
FAX: (202) 727-6072

Attention: Secretary to the Commission

Re: ZC Case No 14-11

Dear Chairman Hood and Members of the Commission:

I write in support of ZC Case No 14-11. In fact, if possible, I would like to see a proposal that would go even further to stop unsightly “pop ups” and “pop backs.”

I have been a District of Columbia resident for more than 60 years, and I live in an R-4 District in Ward 1. I am writing to express my support for your proposal to change the zoning regulations to limit pop-up developments in R-4 Districts. While I generally support the proposal, I feel strongly about the sections discussed in more detail below.

Amendments Pertaining to Maximum Height

I support the proposal to reduce the maximum height in R-4 from 40 feet to 35 feet as a matter-of-right. Many pop-up developments are taller than existing homes in the neighborhood. This height differential reduces light and air to adjoining properties, diminishes my ability to produce energy from solar energy panels my roof and therefore moving towards lowering climate change impacts and may decrease the rate at which snow melts from the roofs of adjoining

properties, which could cause damage to flat roofs. An adjoining property owner should be permitted to present evidence to the Board of Zoning Adjustment if such owner believes the upper addition would have a substantially adverse impact on the use, value and enjoyment of his property.

Amendments Pertaining to Conversion of Structures in R-4 Districts to Apartment Houses

I strongly support the repeal of §330.5(e) to prevent residential structures in R-4 Districts from being converted to apartment houses. While I understand the desire for flexibility, the result of retaining this provision would be a continuation of pop-up construction in row house neighborhoods. Developers have found a loophole in the current zoning regulations that has allowed them to convert row houses to multifamily units as a matter-of-right. I urge you to close this loophole by eliminating all conversions of residential structures to apartment houses in R-4 and not grant any relief by special exception.

I support the inclusion of new §336, especially the prohibition on converting a row home to an apartment house (§336.2). The conversion of a row house to an apartment house is out of character with other row homes on the block. Moreover, such conversions could result in structural and other damage to adjoining properties and are often totally out of character in the neighborhood. Many of the District's row homes are 80 to over 100 years old and cannot withstand the stress of additional load and changes to the foundation often done when deepening the basement. I support a consideration of the effect any addition would have on abutting or adjacent properties (§336.4). Many pop-up developments severely restrict the light, air and privacy of neighboring properties. This is enormously unfair and damaging to nearby residents and undoubtedly has a negative impact on property values and the value and characters of neighborhoods. An adjoining property owner should be permitted to present evidence to the Board of Zoning Adjustment if such owner believes the addition would have a substantially adverse impact on the use, enjoyment and value of his property.

I recommend two changes to §336. First, I suggest adding a requirement that any addition must not restrict an adjoining property owner from full access to his property. Second, I recommend reducing the lot occupancy requirement in §336.6 from 70% to no more than 60%. A maximum lot occupancy of 70% would result in little pervious and permeable surfaces on the property. It is important to retain pervious and permeable surfaces to reduce pollution and storm water run-off in the District. The proposal allows special exception relief from the minimum requirement of 900 square feet per dwelling unit. I do not support this change because it would provide an incentive for developers to seek maximum profit by crowding multiple, small units into an apartment house on a lot too small to accommodate them. This would further reduce parking in many neighborhoods and increase density. Under no circumstances should OP and ZC permit a residential structure to be converted to an apartment house, especially if the minimum of 900 square feet per unit can be waived by special exception.

Special Exception Relief

I strongly recommend that any relief sought by special exception require input from adjoining property owners, assessment by a solar/renewable energy specialist, the ANC and the community.

In conclusion

I am saddened by the number and scale of pop-up houses in the District. Developers of these pop-ups are interested in financial gain and have no concern for the neighborhoods and residents or long-term impact of their development on attractiveness of neighborhoods. The existing zoning regulations did not intend for R-4 Districts to be apartment house districts. Yet, this is exactly the effect pop-up developments are having on R-4 neighborhoods.

I commend OP and ZC for this effort to limit pop-up developments and urge you to act quickly and make the decision that no more permits for POP-ups and conversion from row house into apartment will be possible until the zoning commission issues its final ruling on this matter.

Every day of delay results in more POP-ups and substantial negative consequences to property owners

Sincerely,

SEE SIGNATURE BELOW

**Sherrill Berger
1631 Newton Street, NW
Washington, DC 20010
(202) 387-5956**

From: sberger4@ix.netcom.com
Subject: Zc14-11
Date: January 26, 2015 at 1:05 PM
To: Sherrill Berger sberger4@ix.netcom.com

Special Exception Relief

I strongly recommend that any relief sought by special exception require input from **property owners, assessment by a solar/renewable energy specialist, the neighborhood, and the community.**


In conclusion

I am saddened by the number and scale of pop-up houses in the District. Developers are interested in financial gain and have no concern for the neighborhoods' long-term impact of their development on attractiveness of neighborhoods. The regulations did not intend for R-4 Districts to be apartment house districts. Yet, in effect pop-up developments are having on R-4 neighborhoods.

I commend OP and ZC for this effort to limit pop-up developments and urge you to make the decision that no more permits for POP-ups and conversion from row houses will be possible until the zoning commission issues its final ruling on this matter.

Every day of delay results in more POP-ups and substantial negative consequences for property owners.

Sincerely,


Sherrill Berger