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District of Columbia Zoning Commission

441 4th Street NW Suite 200S

Washington, DC 20001

ZC Case: 14-11

January 28, 2015

Dear Chairman Hood:

My name is Tanya Topolewski. I am a 10+ year resident of Ward 4 and a real estate developer. My company, True Turtle, is a small, sustainable real estate development firm and we focus on DC properties; Primarily in Petworth and now in Riggs Park. We build the most energy efficient, greenest buildings in the District of Columbia. All of our properties are LEED Platinum certified. You can check out our work at www.trueturtle.com.

I am also a Realtor and I have a Master's Degree in Real Estate Development from MIT and a Master's in Landscape Architecture. I have large scale, mixed use development in my professional background. I'm a real estate junkie, and I don't mind saying it.

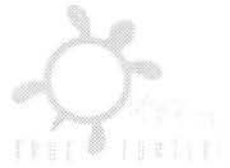
I watched all of the testimony on January 15, 2015 regarding OP's proposal to make changes to the R-4 zoning code to specifically deal with pop-ups (ZC Case 14-11).

I apologize upfront for the length of this response. In the spirit of the immortal words of Mark Twain, "if I had more time, I would have written you a shorter letter."

ZONING COMMISSION
District of Columbia
CASE NO. 14-11
EXHIBIT NO. 160

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In summary, I agree with many of the things people representing the development side of the argument brought up:

Many issues are construction related not zoning related

Many issues are enforcement related by DCRA not zoning related

At the risk of being pillared by my peers...I suppose there could be a deposit required for specific construction practices like underpinning specifically for construction issues with neighbors. There really probably should be. Developers will scream, but if you are a reputable developer or contractor you won't. It would be just like DDOT permits...while painful, they do work and they cash comes back fairly quick if you are on the ball with paperwork. You can pass that along, but don't say it came from me.

Many of the issues residents have are aesthetic, not zoning related

This one deserves some teasing apart to two related concepts massing objections and street façade objections. Yes, there are a lot of plain, unresponsive to the street popups. Only few are well received...and some are downright objectionable to everyone. However, I think many times people object to the allowed *massing* of the pop up's and backs. This zoning CAN control and guide. Showing *how* 35' (or 40') of height can be made to fit into the neighborhood would help a lot. On a related note, it the street façade that people get the most upset about.

Therefore, I think it's time for a design guide book similar to the DDOT's Public Space Design manual. While DDOT Public Realm manual is a prescriptive "you must comply with this" manual what I am thinking of is more of a "design guidelines" or "best practices" manual or a "reference guide" showing with sketches and proportions for how to do a pop-up row home well. There are many archetypal row home facades and being able to point clueless architects to a design manual that would show them options that would work with typical rowhome facades would be very helpful.

What you also need to understand about real estate "flippers" is that many of the design work is done by people pumping out plans for less than \$1,000-1,500 per permit set. Lots of times these folks don't live in DC or understand its vernacular. For them, it's about volume of work completed, not site character, not style, not fitting into the neighborhood. They just need to know how to get drawings done quickly, with a cost



effective build out. A reference guide would point them in the right direction and hopefully pull up the lowest of the low.

I also agree that there were large segments of DC's population that were unrepresented:

Seniors

Seniors really were unrepresented in this discussion as Mr. DiRuggerio (sic?) brought up. Many seniors I've dealt with who are in live in areas ground zero for this debate (Petworth) have health issues, or they don't drive any more, or they don't like the metro...they just don't travel well any longer. They are not going to make an evening meeting because they can't see, aren't good with stairs, etc.

More importantly, seniors that I have purchased properties from...which is just about every property I've redeveloped...are VERY concerned and very cognizant of their property value. If you told them that limiting pop-ups would affect their property value I firmly believe most would (grudgingly) support pop-ups. They are not necessarily sophisticated enough to make that connection on their own, but with explaining they'd sing a different tune. I can pretty much guarantee it.

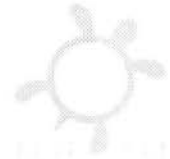
Families with young children

These are people who cannot make a 6:30-11p meeting. As a parent of a 5 year old, I count myself among that group.

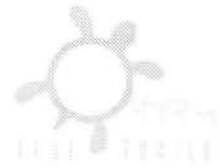
These are people who can't afford a \$780k single family home. That's what my last house sold for in Petworth. It was a pretty typical 2,200 sf attached row, with yard, parking and a 12 min walk to the metro. First of all, that's just not affordable for most people but certainly not for young families. That property could have been 2 units by right, and probably should have been. I could have sold the two 1,700 sf units at \$650k each (without popping up, but popping back) which would have been 3 bedroom units: perfect for families...and "affordable" by DC standards.

Limiting R-4 development to not allow that kind of conversion will have the following effects:

- It won't provide more density (which doesn't support DC's sustainability goals).



- It will push buyers farther away from metro accessible areas (again, not supporting DC's sustainability goals).
- It won't provide housing that is "affordable" to families in areas near metro stations. People like me will just keep making \$800k single family homes.
- It won't protect single family homes from upward price pressure. No matter what, changes to R-4 or no changes to R-4, there is a finite supply of single family row homes and the costs to buy them will go up. It is a rising tide scenario...as development increases the areas that are the most desirable (right now Petworth, but always areas west of the Park) will keep creeping up. Plus as areas in upper Brightwood and Takoma keep rising, that will also keep the pressure on Petworth and AU Park and Tenleytown. Allowing conversions from single family homes will actually only increase the price pressure on single family homes as the supply of them drops. The reality is that there is no way to stop the upward price trend that is making it hard to find "affordable" housing for young families: with one big caveat.
- The caveat is: people cry "we want affordable housing for families". Affordable housing for families DOES exist in DC...but not in trendy areas like Columbia Heights, Petworth, Parkview, Bloomingdale or parts of Brookland anymore. That ship has sailed in those areas and it isn't coming back. When people say they can't find affordable housing, they mean they can't find it where they want it. In that vein, I think OP's proposal is very reactionary and does not provide more affordable housing in those areas. It means there will be less overall housing available and it will drive all housing prices up.
- Because I am on my soap box... There would be one a benefit for effectively downzoning R-4. Areas that haven't seen investment would see more investment by developers. For example, I've just built houses in Riggs Park...I'm not the only developer there, but there are very, very few as it's still off the beaten path. However, it's safe, it's affordable, it's metro accessible and it's also mostly R-2...all affordable single family homes in the \$300-400K range. So when I hear OP reacting to supplying single family homes I just think to myself how disingenuous that is...go to Riggs Park, go to Anacostia, go to Deanwood...all those places with affordable starter homes in stable neighborhoods. But I digress. Bottom line: as building in R-4 becomes more difficult (whether by time passing or by downzoning R-4) you'll just force developers to move elsewhere and it's not necessarily a bad thing.



Regarding your request for potential solutions from the real estate community

You asked for potential resolutions from the development community for how to balance the outcry to control pop-ups with the District's continuous need for housing.

As mentioned above, most of the issues that came up in the hearing were design and construction related. On the design side, people cry out for design review. I actually agree that it's in order IF AND ONLY IF it can be done in a manner that is time limited and provides feedback from those affected most.

Here is germ of an idea for a mostly online design review process:

When a developer or homeowner proposes a façade change they have to provide drawings that will be posted online. These photos also get snail mailed to the 200' radius addresses (the developer is responsible for all of this).

People within the 200' radius can vote if they approve or not either online or in writing. They get one vote per household and a space to comment. If 50% of votes cast are in favor, the proposed façade is approved. Starting the permit process is contingent upon proof of community approval. If no responses are received, then the façade is approved. The whole process takes two weeks. The developer or homeowner can revise based on comments received and repropose for community approval as many times as they like/are willing to pay for.

Some obvious problems with this approach are that those against will be more likely to vote than those that approve...but that is the reason for the low 50% threshold. Another problem is the implementation of the online process, but I know that that is technologically feasible.

As I said, it's just the beginning of an idea, but I think it has merit. It allows developers control over a clear process. It's time limited. It doesn't require many if any additional drawings. Much of the work can be fully automated. It allows input and voting from directly impacted neighbors.

Working group to resolve this issue

I am a big fan of the working group idea. I think that the people who are shaping this city on the ground every day are developers and the architects they hire. We don't get



the opportunity to weigh in with our expertise. There are many thoughtful developers such as those who testified who try their best to do the right thing and really have good ideas about what can and won't work for DC. We rarely, if ever, get a seat at the table.

I'm volunteering to be in that working group. I'd love the opportunity to help craft the code to suit the multiple trajectories of growth DC is on.

A phase in period is crucial

Please, I implore you to recognize what other developers and builders told you. There needs to be a phase in time for any changes to the zoning code. What people testified is true, when you do a project in DC of anything outside a walk through desk review you have significant upfront costs to get to the point of submitting for permits. For example, I will be submitting a project shortly to build a small, 4 unit condominium project, I've spent to date \$45,000 and six months in design and engineering for this building. A change to the allowed height from 40' to 35' means pretty much all of that money will have been wasted. As a small developer, that will not be just a setback, it may break me.

What I think is reasonable is a 6 month phase in period that *begins after the proposed changes are decided upon* where people can still use the old zoning language. Once a project is in for permit it is automatically grandfathered.

Thank you for taking my testimony. I look forward to hearing about opportunities for a working group.

A handwritten signature in black ink, appearing to read "Tanya Topolewski".

Tanya Topolewski ALSA, MSRED, LEED-H, CPHC, CPHB, Realtor