

May 15, 2015

Zoning Commission
441 4th St. NW, Suite 200-S
Washington, DC 20001

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RE. Public Comments on Case No. ZC 14-11

Dear Zoning Commissioners.

Although I applaud your intent to regulate popup developments, your proposal to allow, as a matter-of-right, the conversion of an existing single-family home to a four-unit apartment building (section 330.7) is simply not consistent with a sincere intent to regulate popup developments and does not appear to have any empirical research on its likely impact backing it up. Many of the large popups that have negative impacts on the nearby neighborhood only have three units. Allowing up to four units, without any special exception proceeding, is giving developers a pass and may not sufficiently protect 4-R neighborhoods. Row home conversions to more than two units should require a special exception proceeding which considers the impacts on nearby neighbors, pursuant to the conditions proposed in section 336.

You are likely confident that the conditions outlined in section 330.7 are sufficient to protect neighborhoods from egregious popups. I am less confident as human beings are always finding new ways to game rules to increase profits. For example, section 330.7(h) of your proposal limits new rear additions to a maximum of 10 feet "past the furthest rear wall of ANY principal residential building on an adjacent property." If interpreted to mean that only the adjacent neighbor with the largest addition limits a new addition, this rule will not protect the adjacent neighbor with a shorter back-porch or addition. Over time, such an interpretation, may lead to continued growth in the size of additions in R-4 neighborhoods. Additionally, this interpretation would have a direct impact on current property values, increasing the value of residences abutting the residence with the largest addition on the block.

Second, your proposal to allow one residential unit in an accessory building, as a matter-of-right (section 330.7(b)), is not consistent with the special exception protections described in section 336.6 (i.e., air, light, privacy, enjoyment of neighboring properties, architectural consistency in scale and pattern of houses from the alley). Building a residential unit over a garage in the back of a 4-R residence may have substantial negative impacts on nearby neighbors who have abutting back yards and enjoy the quiet conditions of uninhabited garages and yards along alleys. Unless you have well-founded, empirical research showing that these negative impacts are unlikely, any residential unit added to an accessory building should be subject to neighborhood comment and consideration at a special exception proceeding, pursuant to the conditions proposed in section 336.

Third, your inclusionary zoning provisions create fewer affordable units than the proposal made by the Office of Planning. Given the affordable housing crisis in this city, more rather than fewer units should be subject to the pricing restrictions of inclusionary zoning. As you may be

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aware, many of the condo-units resulting from row-home conversions are offered for sale at "luxury" prices that residents earning median incomes cannot afford. Consequently, I support the more robust inclusionary zoning provisions proposed by the Office of Planning.

Fourth, your proposal does not include the roof structure height limitations recommended by the Office of Planning. I support limiting the roof structures on row homes and flats to a 10 foot height. The roof-top structures on some pop-ups in my neighborhood are large, high structures that intrude on the scale, character and look of the nearby homes from the nearby streets and the alley.

Finally, the longer you spend making your decision on how to regulate popup developments, the less utility any resulting regulations will have on 4-R neighborhoods. Many developers are buying and getting permits to convert row homes as you consider these new regulations. Because human beings behave opportunistically in situations like this, many municipalities and states issue temporary moratoriums while considering zoning changes. I and other residents encourage you to immediately adopt a moratorium on the issuance of new permits for popup conversions in 4-R neighborhoods until the regulations are in effect.

Respectfully submitted,

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