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2015 MAY 27 AM 9:01

Letter of Opposition – ZONING COMMISSION CASE NO 14-11  
May 26, 2015

Philip Simon  
Member S2 – Development

Anthony J Hood, Chairman, Zoning Commission for the District of Columbia et al

My name is Philip L Simon, I am a resident of the District of Columbia and my home is located in the R4 district. My occupation is Real Estate Development and I started S2 Development with my brother in 2009. S2 Development has recently opened an office, located in a Great Streets Neighborhood, our office is located at 1509 Rhode Island Avenue NE.

I strongly oppose the adoption of 14-11, I oppose the legislation for many reasons, and the main reason being 14-11 does not accomplish the intended goal. Based on my understanding of the legislation, 14-11 is intended to preserve the look and character in the R4 zone and limit vertical additions. However as written 14-11 will accomplish none of the goals it has set forth. As the zoning regulations are currently written, the R4 zone allows for structures that are 3 stories with a basement and limited in height by 40-feet. The 35-foot limit would do nothing to address a 3-story structure being built next to a 2-story structure, or an addition to a 2-story structure to make it a 3-story structure.

Most of the criticism voiced at the meeting on January 15<sup>th</sup> was directly related to unsightly properties. Many proponents of the legislation spoke about building code related issues, improperly built structures, contractors building beyond the scope of the zoning code and poor workmanship. The proposed legislation does nothing to stop the building of unsightly houses in the R4 district and it certainly does nothing to increase the oversight of bad contractors. People also were very vocal about notification. Based on the rules set forth by DCRA, notification is only required to your immediate neighbors. Based on the arguments presented, it appears that the community members speaking out against “pop-ups” have very little understanding about what they are actually fighting. Further, notification is required, but it is only notification, there is no enforceable action that can be taken by a neighbor to stop matter of right construction.

There are numerous other items to consider but I will keep this letter to the point and write about the most damaging changes to developers and homeowners alike. The change that states no more than 30% of gross floor area can be demolished is detrimental to everyone in the district. If a homeowner has termite damage in their house they would be required to go to the BZA in order to make the necessary repairs. The only way to completely renovate an existing row house that has been neglected for years is to remove all the interior floor systems and

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ZONING COMMISSION  
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EXHIBIT NO. 239  
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EXHIBIT NO. 234



replace them with new systems that meet new building codes. In essence, if adopted as written, the zoning commission is prohibiting homeowners and developers from bringing their property up to the new standards. This leads to unsafe and unsightly properties. The exact thing the legislation aims to abolish.

There has been a lot of talk about the need for larger residential properties for families. Restricting a rear addition to 10' past a neighboring property makes it very difficult for a growing family in need of additional space to build an addition in lieu of moving. It should be taken into consideration that there are many smaller homes in D.C. If a property owner lives next to a home that is 20' deep they fundamentally are stuck living in a small home.

I am not sure how adding a component of inclusionary zoning does anything to help the R4 district maintain its character or provide affordable housing. Adding a component of inclusionary zoning will turn the R4 district into a district of 2 story flats. In essence this is downzoning the entire district and tightening the already limited housing supply.

If this measure is to pass please take the following into account: it takes about 3 months to close on a piece of property, another 3 months to design it, then 6 months at minimum to receive a building permit (4 years ago it took 2 months to receive a permit). If 14-11 is adopted without a grace period for people in the process of planning and permitting jobs massive financial losses will occur. For example, I purchased a property on June 6<sup>th</sup> prior to the announcement of the R4 re-zoning. I finally received my building permit on 04/07/15. There are many owners that have projects in the pipeline, people that purchased prior to the announcement of the proposed R4 change. Due to no fault of their own they will be subject to the new rules. I stopped purchasing in the R4 district as soon as the proposed change was public and I barely got my permit in time (assuming this passes with no vesting period).

Regards,

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