

May 27, 2015

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

RE: Public Comment on Case No. ZC 14-11

Dear Zoning Commissioners:

I am a resident in Ward 4 and support the Zoning Commission's efforts to regulate the construction of popups on residential R-4 zoned lots. Based on my observations of the popups in my neighborhood, many are large, ugly three-unit condominium buildings that dwarf nearby row homes, invade the privacy and light of the adjacent properties, cause significant damage to adjacent row homes during demolition and construction, and interfere with the neighbors' ability to maintain their existing properties ("egregious popups").

I no longer enjoy a private back yard because the roof deck and balconies on a nearby three-unit popup give residents a direct view into my back yard and I anticipate that my home will become much noisier once the residents move in. Worse, when the developer tore down the existing row home, he did not follow procedures to protect the neighbors or construction workers from exposures to the lead paint and asbestos in the demolished home. There were no adequate responses to my complaints with DCRA or the EPA as they appear to presume "all is well" because Zoning approved the building permit. Living near a row-home popup conversion is a Kafkaesque experience, which you may not fully appreciate if you are lucky and live in a neighborhood of detached homes.

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 has no empirical research on its likely impacts. In response to my inquiries for an impact statement, your office referred me to the Office of Planning and told me that it was illegal for you to answer the public's questions about your proposal's impacts. The Office of Planning kindly sent me two reports. Although helpful, because the Office of Planning recommended limiting matter-of-right conversions to two units, its reports did not directly address the impact of your proposal.

You are likely confident that the conditions outlined in section 330.7 of your proposal 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

ZONING COMMISSION  
District of Columbia

CASE NO. 14-11  
ZONING COMMISSION  
District of Columbia  
EXHIBIT NO. 235  
EXHIBIT NO. 235

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. Shouldn't zoning code changes minimize immediate impacts on property values?

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 R-4 residence with a narrow lot size 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 aware, popup developers generally sell the resulting condominiums at "luxury" prices, which residents earning median incomes cannot afford. Consequently, I support the more robust inclusionary zoning provisions proposed by the Office of Planning.

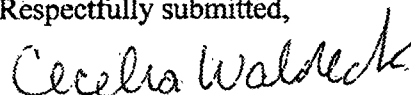
Fourth, your proposal does not include the roof structure height limitations recommended by the Office of Planning. I support limiting the roof structures on row homes and flats to a 10 foot height. The roof structures on some pop-ups in my neighborhood are large, high structures that intrude on neighbors' privacy and 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 R-4 neighborhoods. Many developers are buying and getting permits to convert row homes as you consider these new regulations. I am constantly receiving offers for my home in the mail. 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 immediately to adopt a moratorium on the issuance of new permits for popup conversions in R-4 neighborhoods until the regulations are in effect.

Such a moratorium would give you time to hire experts to study the likely impacts of your proposals on R-4 neighborhoods. It is difficult for residents like me to comment on your proposal without knowing how many popups with three or more units may be constructed as a matter-of-right in the next few years, the locations of these popups, the lot sizes most likely to be targeted by developers, etc.

In the future, I recommend that you develop an impact statement on your revised zoning proposals to address these questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cecelia Waldeck". The signature is written in black ink and is positioned above the printed name and address.

Cecelia Waldeck  
4517 - 15<sup>th</sup> St. NW  
Washington, D.C.