DEVELOPMENT

RECEIVED
D.C. OFFICE OF ZONING
2015 JUN -1 AM 10: 52

May 29, 2015

Anthony Hood, Chairman
DC Zoning Commission
441 4th Street NW, Suite 200 South
Washington, DC 20001

Dear Chairman Hood and the DC Zoning Commission·

As I stated in my testimony at the 1/15/15 meeting I live in an R-4 neighborhood in Capitol Hill and work as a Developer in all neighborhoods of the city. While I am opposed to every aspect of 14-11, and see no reason to downzone 15% of the residential area of the city at a time when the population is increasing and the exact opposite is needed, I want to focus on the top 3 most damaging aspects.

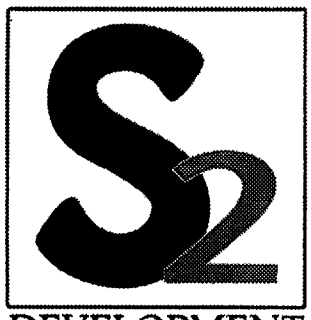
In the 3/30/15 meeting Ms. Steingasser states, "Well, the developers' representatives that met with us requested an 18 month vesting I felt that was excessive ..If the Commission wants us to look at, you know, a few more months, but considering we set this down in June of 2014 we felt that there was really sufficient notice as to what was coming, what was going on "

If you have ever applied for a permit at DCRA you know the above is untrue. I have a 7-unit project in R-4 that I purchased on 6/6/14 I purchased it based on the zoning code that existed at the time Design, architects, engineers, geotechnical, DC Water flow tests, 800 lot subdivision, etc took 3 months I submitted for a permit on 9/17/14 and was issued a permit just last month The permit took just shy of 7 months, which is not unusual for DCRA. If the permit or design had taken just a little longer and 14-11 had passed my company would have lost a fortune and the property we spent $1,370,000 on would now be worth half at best Changing the zoning code without a vesting period will bankrupt homeowners and developers all across the city who purchased property based on one zoning code, and who will now be unable to develop the property because the rules have been changed in the middle of the game Any change must take affect based on permit application date, not permit issuance, so those already in the queue at DCRA under one set of rules are not punished, and there must be a minimum of a 12 month phase-in period to

S2 Development
1509 Rhode Island Avenue NE
Washington, DC 20018
(202) 506-5474

ZONING COMMISSION
District of Columbia
CASE NO. 14-11
EXHIBIT NO. 263

ZONING COMMISSION
District of Columbia
CASE NO.14-11
EXHIBIT NO.263



allow those who already purchased property to get a permit before the rules change.

In addition Ms. Steingasser's assertion that the June 2014 set-down acts as a vesting period ignores the fact that the first time anyone saw the proposed rulemaking was 4/23/15 Prior to that there was a series of options, hearings, and debates. You can't have a vesting period until people affected by the regulation know what the regulation is actually going to be.

Second, limiting development to 30% of gross floor area completely ignores the reality of construction. Does this mean that if house has termite damage or fire damage it can not be gutted? 70% of the termite or burned flooring systems have to remain? How about floor area that does not meet today's building code? Almost all townhouses were originally framed with 2"x10" 16" on-center pocketed into the two common brick walls Today that configuration is allowed to span less the 15' What should be done with lots wider then 15'? 70% of the floor system should be left to late 1800s/early 1900s building standard and not gutted and brought up to today's standard?

Finally, limiting rear additions to 10' past the neighbor's house is equally short sited Why should a homeowner be punished and have their 60% lot occupancy taken away because of how their neighbors house is built? What are neighbors supposed to do? Get together and each extend their house in 10' increments one after the other until both achieve 60% lot occupancy? I build a wall 10' past yours, then you build one 10' past mine, then its my turn again until we both finally reach the highest and best use of our land. It makes no sense.

Thank you for your consideration

Lee Simon

S2 Development
475 K Street NW, Suite 309
Washington DC 20001