

May 28, 2015

Zoning Commission

441 4th St NW, Suite 200-5

Washington, DC 20001

RE: Public Comment on Case No ZC 14-11

Dear Zoning Commissioners

I have been a resident of DC since 2001, living in R4 districts in Mt Pleasant, Georgetown, Eckington, & Petworth. 1 ½ years ago my wife and I bought a 2-story row house in Petworth which we would not be able to afford now since property values have increased so much due to the lack of housing in DC and increased demand. It is a R-4 zoned house which would be directly affected by this zoning change.

I am also a Graduate of Syracuse University with a degree in Environmental design and have worked on urban planning & urban development projects. For the last 4 years I have worked for a small Architecture firm in DC working on varied projects. I have worked on personally or seen our office work on 20-30 condo conversion projects in DC in that time, many of which included pop-ups.

The proposed legislation does not address aesthetics, construction quality, means & methods, DCRA enforcement, illegal construction, and many other of the comments upsetting DC residents which constitute the bulk of complaints on "Pop-ups," which this case/amendment is supposed to address. People have voiced against pop-ups and as reasons for this legislation. I agree that I find many pop-ups ugly and would not want them next to my house. However, I also think many 8-11 story buildings downtown and on commercial lots throughout the city built in the last 20 years are horrible ugly as well. Simply put, unless in a historic district, DC has no right to implement architectural aesthetic design criteria. I would be open to the whole city put into a Historic district with some kind of aesthetic review process put in place.

Now let's talk about the intent of R-4 zone. They were built primarily between 130 & 80 years ago in DC as single family properties to fit the demand of the time. Many have fallen into disrepair and developers have been moving in to buy up plighted & cheap properties that they can renovate and sell for a profit. This is a necessary and very healthy system, which for the most part has worked quite well. Many neighborhoods have been gentrifying, people have been moving back into DC in record numbers in the last 15 years and the livelihood of entire neighborhoods have been revived. There are some developers who do shotty work, disregard codes, etc and these people should be dealt with by enforcement via DCRA.

Now, the demand for large homes in DC has stayed fairly steady and the demand for small-medium size homes & condos has shot up. By taking some single family houses which had 2-stories finished & a

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unfinished basement, like our house, and turning them into two units, 2 floors each, is in effect doubling the urban density. This has many implications, the majority of which are positive. Let's take a look at reasons for & against allowing this to happen.

Greater urban density creates shorter commutes, higher usage of public transport, less cars on

the roads, and thus in the city, easier access of basic goods & services when more businesses move into the areas to service the higher demand (restaurants, drycleaners, food stores, etc.) more people = more eyes on the street, which in turn directly is shown to reduce the amount of petty crime.

Now for the against: neighbor might think a building they do not own is ugly (and they don't want to pay for the higher prices in one of the 27+ historic neighborhoods in DC, but would rather try and impose their own brand of historic preservation by blocking development rights of DC land owners!), construction (which was probably going to happen regardless of weather or not it was a pop-up or not) is inconvenient for a neighbor, blocks some light from the rooftop they do not use, blocks sunlight from their back yard, because as we all know, no buildings are ever allowed to go up that may block a neighbor's sunlight or view. Less parking on the street because more neighbors always = more cars, and let's be honest, as a neighbor I am entitled to a parking spot in front of my house on public property.

The arguments against just don't stack up to for more urban density. Please allow the city to evolve and adapt to the city's demands rather than cowering to a few angry neighbors. How many cities of 5 million have you been to where they are not allowing new developments in the city.

My main point is to address Urban Planning rather than upset residents. The zoning laws should first and foremost think of urban planning when considering new legislation, how the city is planned and developed to make a happy, healthy, vibrant city which people enjoy to live in. DC is about 800,000 people with over 5 million in the DC-Metro area. Urban sprawl is rampant with new loosely regulated developments continually being built expanding the city out without regards to urban density. Although DC city codes do not and can not affect outlying areas, it does have control over DC proper (In an ideal world as cities grow, so does the city boundary so cities can properly be zoned in its entirety and not just its city center, however, this is obviously not going to happen anytime soon in the USA or DC.)

Every notable Urban planner for the past 25 years has agreed that Higher Urban Density results in better cities & neighborhoods. Urban Density creates spaces with more access to all amenities by foot and reduces need for individuals to have cars. It puts more eyes on the street and thus safer. It usually creates a more human scale and less of a car scale for the environment. Now that DC has had a resurgence in urban infill, as most large cities in the US have, the housing stock has been exacerbated and single family home prices are skyrocketing. As the last remaining lower price neighborhoods, like mine (Petworth,) are being gentrified, renovated, & updated, there is nowhere left for people to move to.

in the city and single family prices will continue rise, if not accelerate. It should be the Zoning Commission's role to increase urban Density, not inhibit it, as this proposal does

The proposed legislation that the limit is 4 units and that the 4<sup>th</sup> unit is be IZ(%60) will reduce the ability for developers to take larger lots in R-4 and convert to larger multi-family dwellings. The economies of scale and construction costs are such that a developer simply will not build the 4<sup>th</sup> unit multi-family building because they would lose money. This will result in the larger lots not being developed at all or into larger units, which will be more expensive, thus reducing urban density & housing stock, raising prices of all housing(single family & condo/apartment) because of less stock, and raising the prices of the properties developed because they are larger. This will in-fact have the opposite effect of providing more affordable housing, counter to what OP states they want. They must realize that developers will not build a IZ unit in a 4 unit project because they would lose money. To limit a huge lot to 4 units(which in turn is effectively 3 units) will have another effect. Owners of larger lots will simply subdivide the lot, making 2 or 3 or even 4 3-unit buildings next to one another. However, since each building will have to have it's own sewer, Power, water, gas connections, and possibly sprinkler system, the cost per each individual unit will be more costly and a new stair in each one would mean more unused common area and less unit SF. Do you see, developers will always work within the confines you give them, and what you would end up with is simply more expensive units. Why?

If a lot is large enough, as many units should be allowed within the 900 sf per unit, and the current code of 10+ units starting the IZ requirements. Conversely, a large lot is appropriate to have more dwelling units, plain and simple, and this legislation would prohibit them.

I would like to add that when my wife & I bought our house, we looked into adding a 3<sup>rd</sup> story onto our 2-story house. Because of how Zoning calculates the building height in R-4, from the grade at the front of the building, and since our house, like many, if not most in R-4, has it's 1<sup>st</sup> floor at 3' to 4' above grade, we would be unable to add a 3<sup>rd</sup> story under the proposed legislation because our house is already considered 30 ft high, and we could not fit another story into the 35' limit. I would recommend that if you are considering passing this 35' limit, that you allow for special exemptions for homes like mine and many other residents, who would be unfairly singled out compared to people with 1<sup>st</sup> floors closer to grade level. By keeping the existing 40' limit, it would allow for this. I would be OK with a setback clause, requiring any additional stories, or just a 4<sup>th</sup> story to be set back 5' to 10' from the front façade of the existing building. This might be a good compromise, as it would allow for the rhythm, scale, & continuity of the existing streetscape facades as built to remain, and allow for additional sf be added to single family homes or condo conversions.


The limit set at 35' also would prohibit any R-4 homes from adding a 4<sup>th</sup> story at all, thus reducing urban infill, urban density, & reducing the potential size of each unit within a multi-family. Most developers I talk to & work with want to make larger units with more bedrooms as they sell for more money. Most of the condo conversions I have worked on in the district average between 1000 sf 2-bedroom and

1700sf 2 bedroom & den or 3 bedroom. This is an appropriate size for young people, young families, & full grown families. My house is not large, nor small and is about 1300sf and would be more than adequate for a family of 4-5 people on 2 levels. Our cellar is an unused area. If we were to go up a story, again not permitted under this proposed legislation, we could create two 2-story condos, each with roughly the same living space we currently occupy. I don't understand why the Zoning Commission would want to restrict or deny this sort of urban infill/density increase/conversion of single family to condos?

The part of the legislation saying you can not "pop-back" more than 10' beyond your neighbors existing house is the most ludicrous, obscene, disconcerting thing I have heard come out of DC, and that is saying a lot. To limit what I can build on my property based on what my neighbor has or has not built is insane. I own my property, I should be able to build within the zone regulations what I want without worrying about what my neighbor might or might not have already built. This is beyond a zoning regulation, this is neighbor regulation. In addition, I have seen DCRA's new interpretation of extending party wall chimneys on pop-ups. I understand that DCRA may be wanting to protect homeowners rights, but what this has in effect been doing is allowing corrupt and morally void individuals from extorting huge amounts of money from developers to allow their chimney to be extended. I am afraid the clause regarding solar panels is along the same vein. If I know a developer is planning a pop-up next to me, all I have to do is put up a \$200 solar system, and demand \$100,000 from the developer to get his pop-up approved. Clear extortion, and people will do it. I could understand making the developer pay to raise the solar panels to get sun, but disallowing a developer or home owner to pop-up because a neighbor has added something to their own building is just plain silly.

I hope the everyone who in the OP put together this proposal gets fired and real urban planners get hired to help make DC a better City and not just one that is overly restrictive and short-sighted.

Sincerely, Kristian Hoffland



Kristian Hoffland  
229 Rock Creek Church Rd NW  
Washington, DC, 20011  
202.714.1292  
kristianhoffland@gmail.com