

## Zoning Case 14-11

May 31, 2015

To the Members of the Zoning Commission for the District of Columbia

As the body that is tasked by Home Rule to set zoning regulations that are guided by the Comprehensive Plan, which was approved by our elected DC Council, I ask you to take immediate and definitive action to protect the homeowners who live in the R-4 zones and preserve the current housing stock for families. Specifically, I am requesting this action for the owners of R-4 who live in these homes, typically the largest asset they own. They are the ones whose financial fitness and quality of life are now at great risk. The Council has sent the Zoning Commission a resolution asking that you take immediate action - please do so!

You probably do not live in an R-4 rowhouse, or if you do, it might be protected by Historic District designation. But imagine if you lived in one of these houses affected by nearby conversions - perhaps you grew up in a house which you or a family member still owns - or perhaps you know a young person with children, who has found an ideal location to mix work and family in DC. Would you want these people to suffer through these projects only to find your home and block irreparably changed? If you don't live there now, it is probably too late to find one of these homes to live in. Families, those residents the Comprehensive Plan strives to retain in the District, are no longer able to purchase a single family home due to competition from developers who make high cash offers with no contingencies for the houses that come on the market, with the sole objective to turn the single family homes into condos for quick profit. In my neighborhood, whether the house is converted to two or three condos, one of the condos will sell for more than the price of the intact house.

Rising housing costs were already creating pressures on established neighbors with the increase in real property taxes. With the addition of developer competition for houses, and the resulting adverse effects of the projects, the market has reached the point where prices have destabilized. Homeowners do not know what to do with their most important asset. As noted by the original Office of Planning report, most R-4 lots are small and narrow. The typical rowhouse lot in Bloomingdale is 17 feet wide. Large additions to the lots have a great impact on the adjoining properties, in the form of loss of privacy, loss of light and air, many times loss of trees, leaving the neighbors living in an urban canyon. Most neighbors are horrified by the height of the pop ups that push the envelope. Even visitors entering our city via North Capitol Street are jarred by the sight of pop ups when they should be enjoying the magnificent view of the Capitol (and focusing on their driving!)

**ZONING COMMISSION**  
District of Columbia

CASE NO. 14-11

**ZONING COMMISSION**  
**EXHIBIT NO. 287**

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EXHIBIT NO. 287

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42 W Street, NW ANC5E



(This pop up with penthouse is visible from North Capitol and the surrounding neighborhood. The giant penthouse, while creating a large scar on the roofline, surprisingly, only contains a single staircase to access the roof. A picture of the vacant house across the street is attached at the end of my statement. Unfortunately, you cannot see the red DANGER sign posted on the front of the house - the basement has been dug out and there is no underpinning.)

Many opponents of this zoning amendment think that supporters do not understand the difference between Zoning code and DCRA's implementation and oversight of the zoning and building codes. That could be a conclusion an observer of the January hearing might have reached. But without the pressures created by the current zoning, these cases of property damage suffered by abutting homeowners would not be occurring. Zoning is step one on the path to misery for those whose lives are being turned upside down by flippers converting single family homes into condos.

It is important that everyone understands that while the matter of right conversions of single family homes are not responsible for DCRA violations, the DCRA violations would not be occurring if R-4 zoning did not leave single family rowhouses vulnerable to developers.

### Request to support/not support proposed issues

First and foremost, you must act to protect the intent of Zoning regulations, and the Comprehensive Plan directive, that R-4 should remain a single family district. You must also be guided by the Comprehensive Plan to protect the character of rowhouse neighborhoods and their architecture. I **strongly support** implementing the **design guidelines** suggested by the Office of Planning and ask that they **apply to all construction projects in R-4**. Homeowners will still be able to build to 40 feet with special exception so it will not be a disadvantage for owners who want to increase the size of their homes. Please consider that owners are granted matter of right for two units, even on lots of less than 900 sq ft per unit, and most lots in Bloomingdale are less than 1800 square feet.

Even without the above mentioned guidelines, you should be aware the District **infrastructure** has failed to keep up with the increased population and these failures are manifested in the rowhouse neighborhoods. Again, this may not be a "zoning issue," but it cannot be isolated from the results of increasing density in areas that are not equipped to handle it.

In Bloomingdale, we have suffered power outages, including "brown outs." Pepco has not kept up with demand and has blamed new, permitted, restaurants in Bloomingdale for power problems. If every house becomes two or three units, will that not create more issues than a few restaurants?

While my house has not had a problem with low gas pressure, I was advised against purchasing an instant hot water heater because of reported problems with supply in DC. Water pressure seems adequate for now, but again, increasing demands must be considered. But sewer concerns persist, notably the summer of 2012 flooding in Bloomingdale, and the completion of the projects is still years away. Will increased demand from condos, along with major new developments, be handled by the current improvements to utility infrastructure?

Traffic is a nightmare - the G8 bus often skips the stop in Bloomingdale during rush hour because the bus is full, traffic on North Capitol is terrible. There will never be a streetcar and my phone is filled with alerts for delays on those buses. The neighborhood is not that close to metro and bike lanes are intermittent. This will not be solved soon.

Our alleys were not designed for more cars. Is there room in an alley for 2 to 3 times the number of cars? How will cars (and service and emergency vehicles) navigate our alleys with more supercars and recycling cans (one of each for each unit) - will trash service be changed to twice a week service? There is a spike in parking problems already, plus, if each unit gets a Visitor Parking Pass, where will the cars park and how much air pollution will be created by the search for a parking place?

While it may seem obvious, it is important to consider the **structural integrity** of these projects and the abutting homes. These are row homes, not detached homes as R-1, 2, 3. They commonly share a party wall. Do you really think that a developer inspects these walls? If a structural engineer is involved, do you think they are ripping out the plaster and drywall and inspecting? Are these basement dig outs being properly underpinned? Horror stories of what has been approved in the permitting process and what has passed inspection make me lose confidence that due consideration is given to these 100 + year old party walls. I do not think the man who built my house in 1903 planned to have two more homes added on top of it. I am sure he never considered the load of one HVAC system, much less three, and all of the other fixtures and appliances.

Of greatest concern is the danger of underpinning- there is no guarantee of skilled and knowledgeable labor to perform such critical work, and no guarantee that the work is adequately supervised and inspected. It seems the required notification letters to abutting neighbors are seldom received. I did not receive one at my previous house, the other neighbor did not receive one either, but work proceeded. From talking to residents, this seems to be more the norm than the exception.

There is a laundry list of other issues not receiving adequate oversight by DCRA -lead paint and asbestos removal, mold, dust and toxic products that are inflicted on the neighbors. Recently I contacted DOEE when a neighbor was concerned about a product being sprayed on the exterior wall of a pop up when white residue began falling like snow a block away.

What about soil stability? Snow loads created by pop ups? Stormwater runoff trapped by cavernous pop backs?

It would be nice to think that there are only a few **"bad developers"**. But given the pace of conversions in the last few years, it has become apparent that there are few "good developers" working in our neighborhoods. There is no other explanation that developers are knowingly not following regulations, falsifying information on applications, and then not following the scope of the permitted work. There is minimal punishment - fines are considered cost of doing business and some are credited 50% on corrected permits. One developer has been such a repeat offender, that in addition to lawsuits by home purchasers, the Attorney General of the District of Columbia has filed his own lawsuit. (Most of these problem properties are in ANC5E. One in Bloomingdale is pictured below. This property has been open to the elements for a year.) This, again, may be a problem with DCRA, but is also part of the culture created by R-4 zoning.





160 Adams Street, NW  
Bloomington  
ANCSE

What about the **environmental impact** of these condo conversions? Liveable homes, some that need only minor updating, if any work at all, are being gutted and demolished to create two or three small homes while the landfill grows with the contents of the former single family home. A house in my neighborhood recently had an \$800,000 offer from someone who wanted to live in the move-in ready home, but a developer won the bidding war, and most of the house will be destroyed. Is this the sustainable, green DC that we want to live in?

The desire and need for change has received the **support** of many ANCs and Civic/Citizens Associations and at least one has been accompanied by a petition with many signatures. The "Stop the Pop" petition, which I believe is being submitted as part of the record, has almost 1000 signatures. In January, whether in person testimony or submitted letters, support for change was overwhelming. Since then, the support has grown and become more crucial.

When I testified in January, I had no idea what was about to occur in my neighborhood. The condo conversion pictured above seemingly popped up overnight, and today, the owner held an open house to sell the resulting condos. During this time, the developer has bought other properties on the block to convert to condos, while another developer, his friend, owns a vacant house that sits across the street, barely even a shell, festooned with vacant property and danger signs. I do not know how the residents on that block can sleep at night.

As to the concern that these changes require more **time to be implemented**, the Notice of Zoning amendment was issued in June 2104, and the process and the media coverage began. Most homeowners don't know the zone that they live in and if they do know, they don't know what is granted by that zone as a matter of right. Most long term homeowners should still be able to sell for more money than they ever dreamed of.

I **support** the Zoning Commission taking immediate action on Zoning Case 14-13 regarding **penthouses**, and if possible, without delaying 14-11, include language strengthening the controls of penthouses. They have become a partial fourth floor, with negative visual impact and little effort to follow current guidelines. In my opinion, they **should not be allowed** at all.

I support instructing the **Zoning Administrator** to strictly enforce the Zoning regulations and **discontinue the use of minor flexibility**. This has become standard practice rather than occasional exceptions.


I **support** the change in the definition of **mezzanine** to count as a story in R-4.

I **support** all of the suggested guidelines for chimneys, solar panels, building back limits, and ask that as many of the provisions as possible be applied to flats conversions as long as it will not require an additional comment period. Perhaps these are adjustments that can be made to the ZRR, if not now.

**I do not support** the provision concerning a developer with **three adjoining properties** building to forty feet We have already reached a point where a twenty-first version of blockbusting is taking place, and this policy will exacerbate the destabilization of the rowhouse neighborhoods and possibly encourage vacant houses and intentional damage to abutting houses

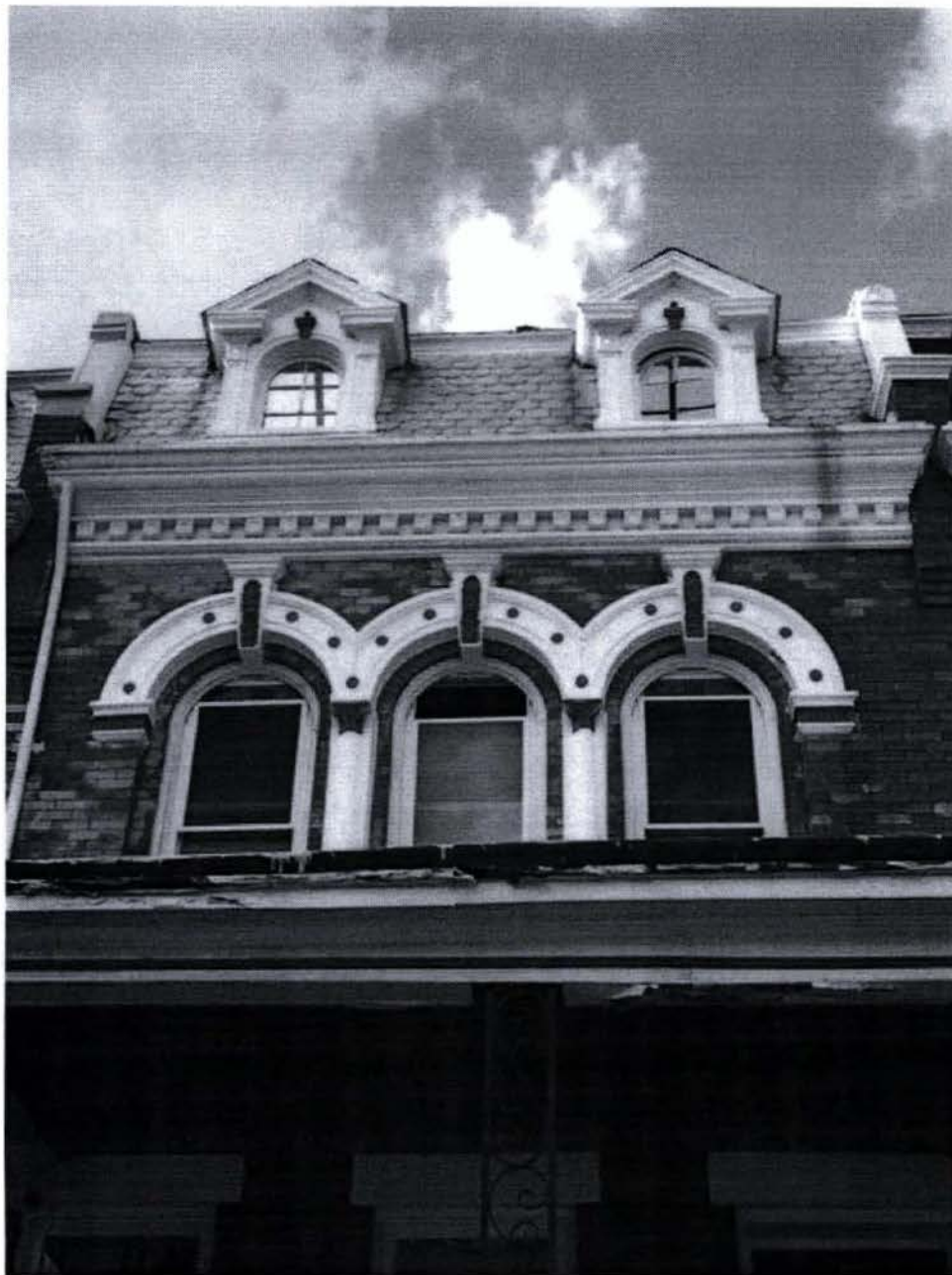
In summary, most of my comments are from my experience living in Bloomingdale ANC5E has the third largest number of R-4 lots in DC (The two areas with a larger number are largely protected by Historic Designation ) But over the last five months, I have talked to many residents in Wards 1 and 4 Most of the stories are the same - condo conversions and pop ups are destroying the physical and emotional stability of our neighborhoods It is time to take back our city from the hands of developers, most of whom live in Maryland and Virginia, and who only come to DC to make quick cash off the backs of our residents Don't be fooled by the ones who send comments from addresses of the properties they are flipping, or a property that has been flipped and sold, with no evidence of a final building inspection or a Certificate of Occupancy We may not yet have won our Statehood, but we should have the right to determine the future of our own neighborhoods

No one in 1958 envisioned the construction we are seeing today, just as no one probably envisioned submitting testimony to the Zoning Commission with a cell phone (wait, what's a cell phone?) Of course, we want to welcome new residents, but not at the high cost to the current residents Condo conversions are hurting us in a way that you cannot imagine, or these changes would have happened before now Please take whatever steps necessary to enact change now, while there is still a rowhouse, and its residents, to save



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