

Zoning Case 14-11

May 31, 2015

Chairman Hood and Members of the Zoning Commission,

Please consider these comments and pieces of relevant information with the utmost care. If you look at the attached chart, provided by the Office of Planning, listing the number of R-4 lots by ANC, you will see that ANC5E is one of the most vulnerable in the District for condo conversions and the pop ups and pop backs that result from conversions. Another example of Ward 5 pressures is the lawsuit filed the District of Columbia's Attorney General against a Virginia based developer. You will see that approximately half of the properties are located in Bloomingdale, and two-thirds are located in ANC5-E. While not all developers are problem developers, it appears that the homes in R-4 neighborhoods are like little field mouse, easy prey for the vultures circling above.

It is important to note, that until what seems to be a recent discovery of larger lots in Bloomingdale, the matter of right conversions to two flats on smaller lots have resulted in some neighborhood character destroying conversions. Any design guidelines instituted in R-4 should apply to all renovation projects. Please incorporate this in the the regulations without additional comment period or delay.

I have also attached a list of media reports on the proposed zoning change, with some general pop up coverage. You should be convinced that everyone, at least those living within the District, should be well aware of the proposal, and there should be no need to delay implementation of these changes.

Thank you, and please vote to save our historic rowhouse neighborhoods. It is your charge, as defined in the Comprehensive Plan.



Philippe Brandet  
Bloomingdale, Ward 5

**ZONING COMMISSION**  
District of Columbia  
CASE NO. 14-11  
EXHIBIT NO. 290

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# R-4 Lots by ANC

<b>ANC</b>	<b>Total R-4 Lots*</b>	<b>R-4 Lots &gt;= 1,800 sf**</b>	<b>R-4 Lots &gt;= 2,700 sf</b>
<b>1A</b>	3,421	1,882	429
<b>1B</b>	2,239	860	262
<b>1D</b>	1,511	1,116	279
<b>2B</b>	251	54	2
<b>2E</b>	3	3	3
<b>2F</b>	463	280	67
<b>3C</b>	161	143	20
<b>3E</b>	29	29	8
<b>4B</b>	279	153	63
<b>4C</b>	3,037	2,124	799
<b>4D</b>	484	296	115
<b>5B</b>	5	3	2
<b>5C</b>	1	1	1
<b>5D</b>	2,718	1,264	661
<b>5E</b>	4,330	1,359	465
<b>6A</b>	5,293	1,199	409
<b>6B</b>	6,113	1,831	431
<b>6C</b>	3,258	814	161
<b>6D</b>	250	92	85
<b>6E</b>	1,348	440	111
<b>7B</b>	264	224	84
<b>7C</b>	245	170	106
<b>7D</b>	774	279	76
<b>7F</b>	56	34	8
<b>8A</b>	454	235	115
<b>8C</b>	146	140	39
<b>8E</b>	389	252	147

\* Total includes all R-4 lots, regardless of size

\*\* Total also includes lots greater than or equal to 2,700 sf.

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

**DISTRICT OF COLUMBIA**

a municipal corporation,  
441 4<sup>th</sup> Street, NW  
Washington, DC 20001

Plaintiff,

v.

**INSUN HOFGARD**

9385 Juhasz Drive  
Great Falls, Virginia 22066-2026

and

**JEFFERSON HOFGARD**

9385 Juhasz Drive  
Great Falls, Virginia 22066-2026

Defendants.

Civil Action No. \_\_\_\_\_

Judge: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR RELIEF UNDER DISTRICT OF COLUMBIA'S  
CONSUMER PROTECTION LAW AND CONSTRUCTION CODES LAW**

Plaintiff, the District of Columbia ("District"), by and through its Attorney General, brings this action against Defendants Insun Hofgard and Jefferson Hofgard for Defendants' multiple, continuing violations of both the District of Columbia Consumer Protection Procedures Act ("CPPA"), D.C. Code § 28-3901, *et seq.*, and the District's Construction Codes, effective pursuant to D.C. Code § 6-1401, *et seq*. The District brings this suit to obtain injunctive relief under these two statutes, and to obtain restitution, civil penalties, costs, and attorney's fees for Defendants' violations of the CPPA.

renovate, and sell properties through limited liability companies that they name after the properties, including the following:

- |                               |                                 |
|-------------------------------|---------------------------------|
| 1. JBA Development LLC        | 15. 2128 1st Street Condominium |
| 2. 1130 Columbia Road, NW LLC | Unit Owners Association LLC     |
| 3. 1132 Columbia Road, LLC    | 16. 213 Bates Street, NW        |
| 4. 1207 Kennedy St. NW LLC    | 17. 2417 1st Street LLC         |
| 5. 141 T LLC                  | 18. 26 Q Street, LLC            |
| 6. 1419 Upshur St LLC         | 19. 33 Bryant Street, LLC       |
| 7. 1422 Shepherd LLC          | 20. 34 Channing Street NW LLC   |
| 8. 1510 N Capitol LLC         | 21. 35 Q Street, NW LLC         |
| 9. 1512 N Capitol St LLC      | 22. 36 Channing Street LLC      |
| 10. 1713 New Jersey Ave., LLC | 23. 40 Adams Street, LLC        |
| 11. 172 U Street LLC          | 24. 430 Warner Street LLC       |
| 12. 1818 1st Street NW, LLC   | 25. 51 T ST LLC                 |
| 13. 1846 2nd Street NW LLC    | 26. 53 T ST, NE LLC             |
| 14. 160 Adams LLC             | 27. 6 R ST LLC                  |
|                               | 28. 758 Fairmont, LLC           |

#### **Defendants' Business Practices**

9. Defendants are in the business of purchasing residential properties to renovate, remodel, repair, or make structural changes to the houses before selling them for a profit. Typically, Defendants purchase distressed or blighted properties in DC and perform major repairs and renovations. These properties are then marketed to consumers as fully renovated residences. These renovations typically include, or purport to include, new roofs, kitchens, and stairs; replacement of electrical systems, plumbing systems, and HVAC systems; replacement of floors and walls; and other major home renovations and repairs. In some cases, Defendants convert the properties from townhouses to two- and three-unit condominiums, requiring installation of new kitchens, appliances, and entrances. Following the renovation work, Defendants market and sell the properties as fully renovated residences to prospective homeowners, many of whom are first-time home buyers or buying their first property in DC.

**June 24, 2014**  
**Office of Planning requests a Text Amendment for R-4**

**News/Blog Coverage**

June 2014 Zoning memo

<http://anc1a.org/Presentation%20Materials/R4%20meeting%20materials/ZC%2014-11%20R-4%20Text%20Amd%20Setdown%20Report%20signed.pdf>

June 22, 2014 WaPo Ian Shapira

[http://www.washingtonpost.com/local/2014/06/22/96a2222e-f307-11e3-9ebc-2ee6f81ed217\\_story.html](http://www.washingtonpost.com/local/2014/06/22/96a2222e-f307-11e3-9ebc-2ee6f81ed217_story.html)

June 26, 2014 OP Blog

<http://op-inions.com/2014/06/26/dcs-rowhouse-neighborhoods/>

June 30, 2014 GW post

<http://greatergreaterwashington.org/post/23411/dc-planners-want-to-limit-row-houses-from-becoming-condos/>

June 30, 2014 WCP

<http://www.washingtoncitypaper.com/blogs/housingcomplex/2014/06/30/office-of-planning-neuters-zoning-update-and-then-some/>

July 1, 2014 Curbed

<http://dc.curbed.com/archives/2014/07/office-of-planning-to-popups-not-so-high-please.php>

July 2, 2014 City Lab

<http://www.citylab.com/housing/2014/07/income-inequality-lurks-beneath-dcs-pop-up-housing-debate/373804/>

August 15, 2014 OP Blog

<http://op-inions.com/2014/08/15/r-4-text-amendment-proposal-update/>

August 20, 2014 Park View

<http://parkviewdc.com/2014/08/20/planning-proposal-recommends-preservation-of-family-row-house-neighborhoods/>

September 2014 Attorney newsletter

<http://www.beankinney.com/publications-articles-dc-office-of-planning-takes-stand-against-pop-ups.html>

September 2014 WAMU radio and web

[http://wamu.org/programs/metro\\_connection/14/09/26/battle\\_over\\_pop\\_ups\\_and\\_pop\\_backs\\_exposes\\_fault\\_lines\\_over\\_housing\\_in\\_dc](http://wamu.org/programs/metro_connection/14/09/26/battle_over_pop_ups_and_pop_backs_exposes_fault_lines_over_housing_in_dc)

March 30, 2015 WaPo

[http://www.washingtonpost.com/local/dc-zoning-commission-votes-to-reduce-maximum-height-of-pop-ups/2015/03/30/ffb68acc-d748-11e4-ba28-f2a685dc7f89\\_story.html?tid=hpModule\\_c7c1f590-868f-11e2-9d71-f0feafdd1394&hpid=z11](http://www.washingtonpost.com/local/dc-zoning-commission-votes-to-reduce-maximum-height-of-pop-ups/2015/03/30/ffb68acc-d748-11e4-ba28-f2a685dc7f89_story.html?tid=hpModule_c7c1f590-868f-11e2-9d71-f0feafdd1394&hpid=z11)

March 31, 2015 WAMU

[http://wamu.org/news/15/03/31/dc\\_zoning\\_commission\\_approves\\_limit\\_on\\_pop\\_ups\\_in\\_certain\\_neighborhood](http://wamu.org/news/15/03/31/dc_zoning_commission_approves_limit_on_pop_ups_in_certain_neighborhood)

March 31, 2015 Urban Turf

[http://dc.urbanturf.com/articles/blog/in\\_pop-up\\_hearing\\_zoning\\_commission\\_votes\\_to\\_reduce\\_height\\_in\\_r-4\\_zones/9704](http://dc.urbanturf.com/articles/blog/in_pop-up_hearing_zoning_commission_votes_to_reduce_height_in_r-4_zones/9704)

May 2015 OP report for BZA case 18984

*Granting the requested relief would impair the intent of the Zoning Regulations. The "primary purpose [of the R-4 zone] shall be the stabilization of remaining one-family dwellings" and it "shall not be an apartment house district as contemplated under the General Residence (R-5) Districts..." (Zoning Regulations, §§ 330.2 and 330.3). More specifically, in text amendments approved in 2007, the Zoning Commission sought to limit these types of conversions by strengthening the language on minimum lot area and lot occupancy for apartment conversions. Furthermore, on its surface, the requested variance seems to try and justify a purchase price not in line with uses permitted in the R-4 zone. The purchase price should not include an assumption that the Zoning Regulations can be varied, or that the Regulations are a guarantor of a financial return.*

May 2015 MidCityDC

<http://www.capitalcommunitynews.com/content/bloomingdale-buzz->

May 26, 2015

Bob Barnard

<http://www.myfoxdc.com/clip/11534605/pop-up-row-house-demonstrations-planned>

Fox Matt Ackland

<http://www.myfoxdc.com/clip/11536174/protest-over-pop-ups-in-dc>

ABC 7 Mike Conneen

<http://www.wjla.com/articles/2015/05/d-c-residents-hold-rally-to-protest-pop-up-houses-114272.html>

## **Bad developers**

### **Hofgard - DC Attorney General lawsuit coverage**

Over 28 properties cited in AG lawsuit

About half of the properties cited are in Bloomingdale, and two-thirds are in ANC5E

WAMU

[http://wamu.org/news/15/05/07/dc\\_files\\_suit\\_against\\_virginia\\_couple\\_over\\_shoddy\\_house\\_flipping](http://wamu.org/news/15/05/07/dc_files_suit_against_virginia_couple_over_shoddy_house_flipping)

WaPo - Ian Shapira - see below

NBC4 - Erika Gonzalez consumer report May 7, 2015

### **Bruce Johnson WUSA 9 tv/online reports**

March 24 - visited Shepherd Street/ Hofgard property

<http://t.co/lryFXfcQU8>

<http://www.wusa9.com/videos/news/local/2015/03/24/some-dc-developers-and-homeowners-at-odds/25222525/>

April 1 - visited 160 Adams Street, NW and 42 W Street, NW

<http://static.wusa9.com/video-archive-player/?bctid=4148088577001>

### **WAMU - 3 part series plus Kojo Show discussion**

<http://wamu.org/projects/house-flipping/#/part1?scrollTo=part1#part1>

<http://thekojonnamdishow.org/shows/2015-05-07/house-flipping-in-d-c>

## **Washington Post - Ian Shapira**

June 22, 2014 "Pop-ups" — townhouses that tower above their neighbors — are spreading across the District

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.washingtonpost.com%2Flocal%2F2014%2F06%2F22%2F96a2222e-f307-11e3-9ebc-2ee6f81ed217\\_story.html&ei=llhTVefsO-GwsATRgYG4Dw&usg=AFQjCNEN63JbFdaWGAagxKW-HB6\\_bqtrbw&sig2=akEiO24-SfByJcE3Ddl\\_1w](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.washingtonpost.com%2Flocal%2F2014%2F06%2F22%2F96a2222e-f307-11e3-9ebc-2ee6f81ed217_story.html&ei=llhTVefsO-GwsATRgYG4Dw&usg=AFQjCNEN63JbFdaWGAagxKW-HB6_bqtrbw&sig2=akEiO24-SfByJcE3Ddl_1w)

June 28, 2014 Pop ups

[http://www.washingtonpost.com/local/sky-is-not-the-limit-on-height-of-rowhouse-renovations/2014/06/28/6ae308e0-fe12-11e3-b1f4-8e77c632c07b\\_story.html](http://www.washingtonpost.com/local/sky-is-not-the-limit-on-height-of-rowhouse-renovations/2014/06/28/6ae308e0-fe12-11e3-b1f4-8e77c632c07b_story.html)

July 7, 2014 Neighbors sue the developers of a Connecticut Avenue project, alleging construction-related damage

[http://www.washingtonpost.com/local/six-story-pop-up-in-northwest-dc-prompts-lawsuit/2014/07/07/d40995aa-01ff-11e4-8572-4b1b969b6322\\_story.html](http://www.washingtonpost.com/local/six-story-pop-up-in-northwest-dc-prompts-lawsuit/2014/07/07/d40995aa-01ff-11e4-8572-4b1b969b6322_story.html)

July 20, 2014 Solar panels on Shepherd

[http://www.washingtonpost.com/local/its-pop-ups-vs-solar-panels-on-shepherd-street-nw-in-columbia-heights/2014/07/20/ae8f9f56-0dd8-11e4-b8e5-d0de80767fc2\\_story.html](http://www.washingtonpost.com/local/its-pop-ups-vs-solar-panels-on-shepherd-street-nw-in-columbia-heights/2014/07/20/ae8f9f56-0dd8-11e4-b8e5-d0de80767fc2_story.html)

November 28, 2014 ANC meeting

[http://www.washingtonpost.com/local/in-a-city-filled-with-pop-up-loathers-and-lovers-dc-ponders-its-mini-skyscrapers/2014/11/28/29def4f6-7029-11e4-8808-afaa1e3a33ef\\_story.html](http://www.washingtonpost.com/local/in-a-city-filled-with-pop-up-loathers-and-lovers-dc-ponders-its-mini-skyscrapers/2014/11/28/29def4f6-7029-11e4-8808-afaa1e3a33ef_story.html)

January 3, 2015 V Street pop up

[http://www.washingtonpost.com/local/a-notorious-piece-of-washington-real-estate-struggles-to-find-buyers/2015/01/03/6402d9e0-8ad2-11e4-9e8d-0c687bc18da4\\_story.html](http://www.washingtonpost.com/local/a-notorious-piece-of-washington-real-estate-struggles-to-find-buyers/2015/01/03/6402d9e0-8ad2-11e4-9e8d-0c687bc18da4_story.html)

January 16, 2015 Zoning hearing

[http://www.washingtonpost.com/local/dc-residents-battle-over-future-of-high-pop-up-condos/2015/01/16/12618f3a-9d76-11e4-a7ee-526210d665b4\\_story.html](http://www.washingtonpost.com/local/dc-residents-battle-over-future-of-high-pop-up-condos/2015/01/16/12618f3a-9d76-11e4-a7ee-526210d665b4_story.html)

March 30 2015 Zoning meeting

[http://www.washingtonpost.com/local/dc-zoning-commission-votes-to-reduce-maximum-height-of-pop-ups/2015/03/30/ffb68acc-d748-11e4-ba28-f2a685dc7f89\\_story.html](http://www.washingtonpost.com/local/dc-zoning-commission-votes-to-reduce-maximum-height-of-pop-ups/2015/03/30/ffb68acc-d748-11e4-ba28-f2a685dc7f89_story.html)



April 2, 2015 Rene Bowser event in front of Hofgard project

[http://www.washingtonpost.com/local/new-rules-on-dc-pop-up-homes-offer-something-for-both-sides-in-debate/2015/04/02/ed1c82dc-d963-11e4-ba28-f2a685dc7f89\\_story.html](http://www.washingtonpost.com/local/new-rules-on-dc-pop-up-homes-offer-something-for-both-sides-in-debate/2015/04/02/ed1c82dc-d963-11e4-ba28-f2a685dc7f89_story.html)

May 7, 2015 Hofgard

[http://www.washingtonpost.com/local/dc-rowhouse-renovators-accused-of-shoddy-work-in-city-lawsuit/2015/05/07/c09eb2a4-f419-11e4-b2f3-af5479e6bbdd\\_story.html](http://www.washingtonpost.com/local/dc-rowhouse-renovators-accused-of-shoddy-work-in-city-lawsuit/2015/05/07/c09eb2a4-f419-11e4-b2f3-af5479e6bbdd_story.html)

May 9, 2015 AG Lawsuit and Columbia Heights condo

[http://www.washingtonpost.com/local/quest-to-profit-from-dc-renovations-has-led-to-scores-of-alleged-problems/2015/05/07/ed65e1d6-f3fb-11e4-bcc4-e8141e5eb0c9\\_story.html](http://www.washingtonpost.com/local/quest-to-profit-from-dc-renovations-has-led-to-scores-of-alleged-problems/2015/05/07/ed65e1d6-f3fb-11e4-bcc4-e8141e5eb0c9_story.html)