

4213 16th Street NW
Washington, DC 20011

1 June 2015 Monday

Zoning Commission
Office of Zoning
441 4th Street NW, Suite 210
Washington, DC 20001

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2015 JUN -1 PM 4:55

Dear Secretary and Commissioners

As a 30-year resident of Washington, DC, and a three-time home purchaser (1116 T Street NW, then 1823 Lamont Street NW, now 4213 Sixteenth Street NW), I would like to express my *serious reservations that zoning changes that are under consideration in ZC Case number 14-11 do not go far enough in protecting homeowners' rights and neighborhood character.*

With this letter I show strong support for

- Immediate implementation of the rule,
- Support that no new building may extend more than 10 feet beyond either adjacent neighbor's rear wall, and
- Support for no structure exceeding 35' in height.

Please consider the following additional restrictions/concerns, as follows:

#1: I write to request repeal of the Zoning Regulation provision that currently allows conversion from rowhouses to multi-unit apartments/condos as a "matter of right".

This regulation is invalid on the grounds that it is inconsistent with the city's Comprehensive Plan, which, for the Rock Creek East Area Element, calls for "conservation" of single family homes, low-density neighborhoods, and prescribes "that renovation, additions, and new construction in the area's low density neighborhoods *respects the scale and densities of adjacent properties, avoids sharp contrasts in height and mass, and preserves park-like qualities such as dense tree cover and open space* " (Policy RCE-1.1.2, 2208.3)

Furthermore, the Comprehensive Plan identifies appropriate sites for infill housing, including "along Georgia Avenue, around the Takoma Park Metro, between Upshur and Taylor near 14th Street, along Kennedy Street, and on a limited number of other properties in the [Rock Creek East] community".

Despite the clarity of this guidance, there are now 10 multi-unit conversions so far either planned or under construction within the North Columbia Heights/Sixteenth Street Heights section of Rock Creek East.^{\$} Nine of the 10 of these conversions are in the middle of otherwise fully-attached rowhouse, residential streets, where there are no existing multi-unit buildings

^{\$}1316, 1419, and 1422 Shepherd Street NW, 1444 Taylor Street NW, 1411 Upshur Street NW, 1521 Varnum Street NW, 1117 Allison Street NW, 1424 Buchanan Street NW, 1404 Decatur Street NW, and 4511 Iowa Avenue NW

ZONING COMMISSION
District of Columbia
ZONING COMMISSION
CASE NO. 14-11
EXHIBIT NO. 308

Concern #2: Please strike matter-of-right, and apply all 330.6 and 330.7 regulations, for single-family home conversions to two-unit flats which require pop-ups and pop-back additions.

I strongly disagree with the proposed rule permitting matter-of-right conversions of rowhouses to apartment houses. Under no circumstances should a rowhouse be converted to an apartment building as a matter-of-right. Many adjoining homes have been damaged from these conversions, and damages to neighboring properties will not end if conversions are allowed to continue unabated. Conversions drive up the price of single-family homes because families are competing with developers who have cash and are able to close with no contingencies. In addition, rowhouse conversions to multi-family buildings reduces the availability of single-family homes and the number of families living in DC.

Sections 330.7 and 330.8 also must apply to conversions of a rowhouse to a two-unit flat. Flat conversion by developers is prevalent in R-4 and often include extensive rear additions. This obstructs the light, air and privacy of neighboring rowhouses and is out of character with these neighborhoods. Thus, protection for homeowners is needed for conversions to two-units which require additions.

Concern #3: Please make ZC 14-11 immediately effective, with no exceptions for permit applications that have not been approved.

Pop-ups have been a problem for at least 15 years, and change is overdue. **Please make the final rule effective when published and do not grant any exceptions for permit applications that have not been approved.** Those applications should be reviewed under the new R-4 zoning rules. Otherwise, D.C. homeowners will suffer even longer at the hands of opportunistic developers who do not care about D.C.'s rowhouse community residents. Developers are profiting on our communities in DC but are from outside DC and as such do not engage on or care about the impact they are having.

Concern #4: All conditions in sections 330.7 and 330.8 should be approved, with the additional language suggested below for clarifications

I support the conditions in sections 330.7 and 330.8 even though we do not support matter-of-right conversions of rowhouses to apartments. The language in sections 330.7(h) and 330.8(d) should be clarified to prevent misinterpretation. **The language in section 330.7(h) could suggest the addition could extend 10 feet past the furthest rear wall of any rowhouse. It should be clear that an addition must not extend any more than 10 feet past the rear wall of any adjoining rowhouse.**

Concern #5: I strongly support a height restriction of 35 feet for all R-4 construction

I support reducing the height of buildings in R-4 to 35 feet. This should not impact most homes in R-4 as the Office of Planning found that 94.4% of homes in R-4 are 35 feet or less. I do not support a maximum height of 40 feet for new construction of three or more adjoining rowhouses built concurrently. This could entice developers to raze existing rowhouses to construct new buildings. These also should be limited to 35 feet.

Concern #6: Conversion from single-family housing to multi-units is not creating affordable housing, rather it is displacing long-term, elderly residents who have little additional resources to fight developers.

Because a large percentage of R-4 properties are on large lots we are a target to developers (see Annex 1). Residents on these blocks buy for the large yards and adequate single family homes. Enabling profit-oriented developers to drastically change our community reduces the value and enjoyment of the residents in the biggest financial investment of their lives, their home. These developers are not our neighbors and do not respect us as neighbors. These condo conversions do not assist in DC housing needs families needs homes and yards, not 2 bedroom luxury \$600,000+ condos.

These conversions are encroachments which are destroying the fabric of our residential community. Furthermore, in almost every case where the BZA has been asked for a special exception to round up the number of units, these exceptions have been granted.

The residents who are most impacted by developer conversions are the long-term, elderly residents of DC. They are those least able to spend additional funds to (1) repair party wall and other structural damage caused by adjoining developer construction; (2) research and act on their rights with regards to zoning issues, as well as DCRA violations; and (3) hire structural engineers, architects, and lawyers, who are able to spar with developers and fight back on “scope of work creep”, design deficiencies, and construction violations. DC is losing long-term residents, many of whom had planned to “age in place”, due to developer greed and the Mayor Bowser’s pro-developer stance. This is why such disparate groups as #BlackLivesMatter have joined forces with StopthePopDC.

In summary, please adopt the planned changes in order to maintain consistency with the Comprehensive Plan, which is the primary planning document governing urban and residential development in the District of Columbia. Moreover, I am also in favor of even stricter regulations in order to prevent our historic row houses from redevelopment. As a committed, active DC resident, worker, taxpayer, and voter, I ask that you take proper action on this.

Concern #7: For those Zoning Commissioners who think that ANCs are “split” on this issue, think again:

ANCs which support ZC 14-11 and/or who favor even stronger restrictions:

1A, 1B, 1C, 1D, 4B, 4C, 5E, 6A, 6C (9 ANCs)

ANCs which support ZC 14-11 but who would like some restrictions weakened:

6B (1 ANC)

Please listen to DC residents and their representatives on this.



I know that you have received many photos of the damage that pop-ups, pop-backs, and conversions have done to date. However, you may not have seen these photos of children, who agree that “pop-ups stink”. Their backyard is now permanently shaded by the large, obtrusive pop-up next door, with towering windows which can now view their every move. ***This is not what we want for the safety of our children in their own backyard.*** This is a city-wide DC quality of life issue, for our elderly, long-term residents, our DC families with school-age children, and our next generation of residents.

Marcie, Peter, Rob, Michael and Anthony, please do the right thing. I will see you on June 8th.

Tracy Hart
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Annex 1: R-4 Zone Conversions
SFH to 3 units unless otherwise noted
May 14, 2015 version

ANC1A – Columbia Heights and Park View:

- 1513 Oak Street NW just E of 16th Street NW (1A02)
- 3427 Holmead Place NW between Newton and Oak Streets NW (to 7 units) (1A04)
- 3614 13th Street NW (1A04)
- 1201 Kenyon Street NW (to 5 units) (1A06)
- 3612 10th Street NW between Otis & Spring Streets NW (1A07)
- 3624 10th Street NW between Otis & Spring Streets NW (to 7 units) (1A07)
- 3585 13th Street NW (at Otis Street NW) (to 4 units) (1A07)
- 3612 Park Place NW between Newton and Otis Streets NW (to 5 units) (1A08)
- 454 Park Road NW near corner of Warder Street NW (1A09)
- 3542 Warder Street NW between Newton & Park, E of Georgia Avenue NW (to 12 units) (1A09)
- 3015 Warder Street NW between Columbia and Irving Street NW (to 4 units) (1A10)
- 3217 Warder Street NW between Kenyon & Lamont, E of 6th Street NW (to 4 units) (1A10)
- 3221 Warder Street NW between Kenyon & Lamont, E of 6th Street NW (to 4 units) (1A10)
- 3223 Warder Street NW between Kenyon & Lamont, E of 6th Street NW (to 4 units) (1A10)
- 597 Columbia Road NW (1A10)
- 728 Park Road NW between Sherman and Georgia Avenues NW (to 6 units) (1A10)
- 524 & 526 Lamont Street NW (2 SFHs to ??) (1A10)
- 1318-1320 Harvard Streets NW (2SFHs to 16 units) (1A12)

ANC 1B – Columbia Heights, LeDroit Park, Pleasant Plains, Shaw, U Street, University Heights and Lower Georgia Avenue

- 1852 3rd Street NW (1B01)
- 726 Girard Street NW (1B09)
- 1202 T Street NW (to at least 3 units) (1B12)

ANC 1D – Mount Pleasant:

- 1741 Kilbourne Street NW (1D01)
- 1855 Lamont Street NW (1D03)
- 1821 Newton Street NW (from 4 to 6 units) (1D03)
- 1867 Park Road NW (1D03)

ANC 2F – Logan Circle, Thomas Circle, Old City, Blagden Alley, Franklin Square, and parts of Shaw and Downtown:

- 1211 10th Street NW between M and N Streets NW (2F06)

ANC 4C – Petworth, Brightwood, and Sixteenth Street Heights

- 1404 Decatur Street NW (4C02)

- 1419 Upshur Street NW (4C03)
- 1521 Varnum Street NW (to 7 units) (4C03)
- 1117 Allison Street NW (4C03)
- 1424 Buchanan Street NW (4C03)
- 1419 Shepard Street NW (4C04)
- 1325 Taylor Street NW (from 2 units to 3 units) (4C05)
- 1325 Quincy Street NW between 13th & 14th Streets NW (to 4 units) (4C05)
- 1316 ½ Shepherd Street NW (to 4 units) (4C05)
- 817 Varnum Street NW (4C07)
- 4519 Georgia Avenue NW (4C07)
- 539 Randolph Street NW (4C08)
- 15 Grant Circle NW (to 6 units) (4C09)
- 16 Grant Circle NW (4C09)
- 407 Randolph Street NW (4C10)
- 415 Randolph Street NW (to 4 units) (4C10)
- 417 Randolph Street NW (to 4 units) (4C10)

ANC 5D – Ivy City, Trinidad, Carver Langston, Gallaudet University:

- 1636 Trinidad Avenue NE (5D02)
- 1123 Morse Street NE (5D06)

ANC 5E – Bloomingdale:

- 3205 7th Street NE (to 4 units) (5E01)
- 1823 North Capitol Street NE between Seaton and S Streete NE (5E04)
- 42 W Street NW (5E08)

ANC 6A:

- 1619 Constitution Avenue NE (6A08)

ANC 6B – Capitol Hill and Southeast:

- **1712 Independence Avenue SE (6B10)
- 1620 Massachusetts Avenue SE (to 4 units) (6B10)

ANC 6C – Union Station:

- 628 I Street NE (6C05)
- 1026 Eighth Street NE (6C06)

ANC 6E – Mount Vernon Square, NW One, Shaw, and Truxton Circle:

- 415 M Street NW (to 6 units) (Mount Vernon HD) (6E04)
- 1538 New Jersey Avenue NW (to 6 units) (6E02)
- 1514 8th Street NW between P & Q Street NW (from rooming house to 9 units) (6E01)
- 462 Ridge Street NW, north of M Street NW (to 6 units) (6E04)

DC Building Permits database: from March 2014 to March 2015

cc:

- Ms. Elisa Irwin-Leventhal, ANC Commissioner, 4C03 (representing 1521 Varnum Street NW, 1411 Upshur Street NW, 1117 Allison Street NW, 1424 Buchanan Street NW, and 4511 Iowa Avenue NW) jeff_standish@gmail.com
- Mr Joe Maloney, ANC Commissioner, 4C02 (representing 1404 Decatur Street NW), 4C02@anc.dc.gov
- Mr. Rickey Williams Jr., ANC Commissioner 4C04 (representing 1419 and 1422 Shepherd Street NW and 1444 Taylor Street NW), 4C04@anc.dc.gov
- Mr. Zachary Teutsch, ANC Commission 4C05, (representing 1316 Shepherd Street NW), 4C05@anc.dc.gov
- Ms Cecelia Wald, Interim President, Sixteenth Street Heights Neighborhood Association, (cwald4517@gmail.com)
- Mr. Brandon Todd, Ward 4 Councilmember
- Ms. Anita Bonds, At-Large Councilmember
- Ms. Elissa Silverman, At-Large Councilmember
- Mr. David Grosso, At-Large Councilmember
- Mr Phil Mendelsohn, DC Council Chairman
- StopthePopDC community group (stopthepopdc@gmail.com)
- Ms. Jennifer Steingasser, Deputy Director of Development Review and Historic Preservation (jennifer.Steingasser@dc.gov)
- Mr. V. David Zvenyach, General Counsel (vzvenyach@dccouncil.us)
- Mr Karl Racine, Attorney General, District of Columbia (dc.oag@dc.gov)
- Ms. Muriel Bowser, Mayor