

1119 Allison St. NW  
Washington, DC 20011

RECEIVED  
D.C. OFFICE OF ZONING  
2015 JUN -1 PM 4:44

May 31, 2015

Office of Zoning  
441 4<sup>th</sup> Street, NW, Suite 200-S  
Washington, DC 20001

RE: ZC 14-11

Dear Zoning Commissioners,

I thank you and commend you for taking this important step towards stronger regulation of conversions of row houses in R-4 zones. Many District residents, including me, have been waiting anxiously for relief from the proliferation of pop-ups in our neighborhoods. For some of us, relief has not arrived soon enough because during this period while the Zoning Commission ("ZC") considers the amendments, developers are receiving permits for egregious pop-ups and pop-backs of row houses. Please act quickly and do not delay implementation of the amendments.

These amendments and the laws allowing conversions of row houses affect me personally. Late last year, a developer purchased a row house adjoining mine with the intention of converting it to a three-unit condominium. The conversion includes a 46-foot rear addition that would span the width of the lot. Furthermore, the addition would be built just inches from the windows and enclosed porch of the other adjoining neighbor's home. That neighbor has lived in her home for more than 63 years. Although her home was built in 1915 and the existing porch and windows undoubtedly pre-date the building code and Zoning Regulations, DCRA told her there was nothing she could do to save her windows and porch, which is unfair and not right. The rights of taxpaying homeowners who have lived in the District for decades are being trumped by the city's desire for revenue. There is no consideration for the property rights of anyone except for the developers.

Many people believe that the opposition to pop-ups is due to aesthetics. As someone who is personally affected and know other District residents who also are affected, let me assure you this is false. Pop-ups have caused significant damage to some adjoining homes. In order to support the additional third story load, the developer has to install a new foundation by underpinning. This process creates significant stress on row house party walls that often are 100 years old or more. Damage to an adjoining home seems inevitable. Furthermore, massive rear additions that span the width of the lot intrude on the air and light of neighboring properties. Who would want to live next door to one of these monstrosities?

Although I am anxious for changes that would limit pop-ups, the changes proposed by ZC do not go far enough to protect our row house neighborhoods. I was elated with the Office of Planning's ("OP") initial proposal which would have removed the provision from the Zoning Regulations that allows conversions in R-4 zones. Removing that provision would have given us

ZONING COMMISSION  
District of Columbia

CASE NO. 14-11

ZONING COMMISSION  
District of Columbia  
EXHIBIT NO. 312

CASE NO. 14-11  
EXHIBIT NO. 312

a true reprieve from row house conversions and would have been consistent with the Comprehensive Plan's mandate to preserve row houses as single-family homes. I was dismayed when OP changed its recommendation prohibiting conversions.

However, I was in shock when ZC voted on March 30 to allow conversions as a matter-of-right. I was at the public meeting that evening and could not have imagined that the majority of the Commission would conclude that matter-of-right conversions in R-4 zones would be good for the District and our row house neighborhoods. This decision ignores the mandates of the Comprehensive Plan and the pleas from District residents to protect us from pop-ups. Some of the relevant provisions of the Comprehensive Plan requiring protection of row house neighborhoods include:

**Action H-1.3.A: Review Residential Zoning Regulations (make necessary zoning changes to preserve row houses as single family units):**

During the revision of the city's zoning regulations, review the residential zoning regulations, particularly the R-4 (row house) zone. Make necessary changes to preserve row houses as single-family units to conserve the city's inventory of housing for larger households.

**Policy LU-2.1.7: Conservation of Row House Neighborhoods (require height and scale of structures in rowhouse neighborhoods to be consistent with existing pattern):**

Protect the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern, considering additional row house neighborhoods for "historic district" designation, and regulating the subdivision of row houses into multiple dwellings. Upward and outward extension of row houses which compromise their design and scale should be discouraged.

Some R-4 neighborhoods would be disproportionately targeted for conversions and inevitably would become apartment districts, which is contrary to the Zoning Regulations. For example, I live in ANC 4C. According to a report from OP, 799 homes in ANC 4C have lot sizes exceeding 2700 square feet. Row homes in 4C where permit applications have been filed or approved for pop-up/pop-back conversions or where pop-up conversions currently are under construction or have been completed recently include: 1100 block of Allison St. NW, 1400 block of Buchanan St. NW, 4500 block of Iowa Ave. NW, 1200 and 1300 blocks of Shepherd St. NW, 1400 block of Taylor St. NW, 1400 block of Upshur St. NW and 1500 block of Varnum St. NW. I am certain this is not an exhaustive list.

I thank Chairman Hood and Commissioner Turnbull for voting against matter-of-right conversions. I urge Commissioners Cohen, May and Miller to reconsider your vote and allow no more than two-units as a matter-of-right.

Although I do not support conversions as a matter-of-right, if ZC votes to allow them, the limitations in section 330.7 would offer some, albeit limited, protection. The condition that would offer the greatest protection is the limit in the length of an addition to 10 feet. I

recommend clarifying the language to remove any doubt about the intent of this provision. It could be interpreted to mean that an addition could extend 10 feet past the farthest rear wall of any adjacent row house. Please make it abundantly clear that the addition could not extend farther than 10 feet past the rear wall of the shortest adjacent row house. In addition, please reconsider granting special exception relief for §§ 330 7 (b), (e), (h), (i), (j) and (k). Because the criteria for special exception relief appear lenient, homeowners would receive little protection if these conditions can be waived relatively easily.

The conditions in section 330 7 also should apply to flats. Row homes on smaller lots are being converted to two-unit condominiums at high rates. Adjoining neighbors of these smaller developments also are entitled to protection of their light, air, chimneys and solar panels.

I support lowering the height of row houses to 35 feet and including a mezzanine as a story. However, I do not support a 40 feet matter-of-right height for new construction of three or more adjoining residential row dwellings built concurrently. I believe this would incentivize developers to raze row houses in good condition to achieve the 40 feet matter-of-right height. Add the 18 feet (or 10 feet) penthouse and the result is several consecutive buildings that soar over other row houses on the block.

Finally, please make the changes effective immediately upon publication in the D.C. Register. This case was set down in June 2014, almost one year ago. Developers have had adequate notice about these amendments. Homeowners have been waiting anxiously for relief, and implementation of the final rule has taken much longer than we expected. Please make sure all permit applications are evaluated under the new rules, including those where applications have been filed but not approved.

The following sections might need technical correction:

- Section 336 7: “In demonstrating compliance with § 336.7...” (emphasis added) Is §336.7 the correct section or should it be §336 6?
- Section 336.9: Are the sections cited correct?
- There are inconsistent references in several places to §330 6, 330 7 and 330 8. Section 330.6 does not appear to exist. For example see § 401.

Sincerely,

A handwritten signature in cursive script that reads "Lyn Abrams".

Lyn Abrams